FEDERAL REGISTER

VOLUME 23 NUMBER 23

Washington, Saturday, February 1, 1958

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

POST OFFICE DEPARTMENT

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (8) of § 6.309 is amended as set out below.

§ 6.309 *Post Office Department*—(a) *Office of the Postmaster General.* * * *

(8) One Private Secretary to each of the two Executive Assistants to the Postmaster General.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-799; Filed, Jan. 31, 1958; 8:54 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

FEDERAL CIVIL DEFENSE ADMINISTRATION

Effective upon publication in the FEDERAL REGISTER, paragraph (p) is added to § 6.323 as set out below.

§ 6.323 *Federal Civil Defense Administration.* * * *

(p) One Secretary to the Assistant to the Administrator.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-781; Filed, Jan. 31, 1958; 8:50 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

HOUSING AND HOME FINANCE AGENCY

Effective upon publication in the FEDERAL REGISTER, subparagraphs (17), (18), and (19) are added to § 6.342 (a) as set out below.

§ 6.342 *Housing and Home Finance Agency*—(a) *Office of the Administrator.* * * *

(17) One Secretary to the Commissioner, Urban Renewal Administration.

(18) One Secretary to the Community Facilities Commissioner.

(19) One Secretary to the General Counsel.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-782; Filed, Jan. 31, 1958; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 725—BURLEY AND FLUE-CURED TOBACCO

ANNOUNCEMENT AND APPORTIONMENT OF NATIONAL MARKETING QUOTA FOR BURLEY TOBACCO FOR 1958-59 MARKETING YEAR

§ 725.903 *Basis and purpose.* (a) This section and § 725.904 are issued (1) to establish the reserve supply level and the total supply of burley tobacco for the marketing year beginning October 1, 1957; (2) to announce the amount of the national marketing quota for burley tobacco for the marketing year beginning October 1, 1958; and (3) to apportion the national marketing quota for burley tobacco for the 1958-59 marketing year among the several States. The findings and determinations contained in this section and § 725.904 have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of data, views, and recommendations received from burley tobacco producers and others as provided in a notice (22 F. R. 8187) given in accordance with the Administrative Procedure Act (5 U. S. C. 1003).

(b) Since burley tobacco growers are making plans for their 1958 farming operations and are preparing plant beds and purchasing fertilizer and other ma-

(Continued on p. 669)

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FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

terials, they should be informed at the earliest practicable date of the 1958 farm marketing quotas and acreage allotments for their farms. Accordingly, it is hereby found that compliance with the 30-day effective date provision of the Administrative Procedure Act is impractical and contrary to the public interest, and the announcement and apportionment of the national marketing quota for burley tobacco for the 1958–59 marketing year contained herein shall become effective upon the date of filing with the Director, Division of the Federal Register.

§ 725.904 *Findings and determinations with respect to the national marketing quota for burley tobacco for the marketing year beginning October 1, 1958* [1]—(a) *Reserve supply level.* The reserve supply level for burley tobacco is 1,606,000,000 pounds, calculated, as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 535,000,000 pounds and a normal year's exports of 36,000,000 pounds.

(b) *Total supply.* The total supply of burley tobacco for the marketing year beginning October 1, 1957, is 1,789,000,000 pounds consisting of carryover of 1,299,000,000 pounds and estimated 1957 production of 490,000,000 pounds.

(c) *Carryover.* The estimated carryover of burley tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1958, is 1,209,000,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1957, of 580,000,000 pounds from the total supply of such tobacco.

(d) *National marketing quota.* The amount of burley tobacco which will make available during the marketing year beginning October 1, 1958, a supply of burley tobacco equal to the reserve supply level of such tobacco is 397,000,000 pounds and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 397,000,000 pounds would result in undue restriction of marketings during the 1958–59 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for burley tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1958, is 476,000,000 pounds.

(e) *Apportionment of the quota.* The national marketing quota is hereby apportioned among the several States pursuant to section 313 (a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313 (g) of the act as follows:

State:	*Acreage allotment*
Alabama	30
Arkansas	53
Georgia	86
Illinois	5
Indiana	7,743
Kansas	91
Kentucky	200,429
Missouri	3,190
North Carolina	10,129
Ohio	9,964
Pennsylvania	2
South Carolina	4
Tennessee	63,290
Texas	1
Virginia	10,988
West Virginia	2,846
Reserve [1]	774

[1] Acreage reserved for establishing allotments for new farms.

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply secs. 301, 312, 313, 52 Stat. 38, as amended; 46 as amended; 47 as amended; 7 U. S. C. 1301, 1312, 1313)

Done at Washington, D. C., this 29th day of January 1958. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 58–813; Filed, Jan. 30, 1958; 3:05 p. m.]

PART 725—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

NATIONAL MARKETING QUOTAS FOR 1958–1959

Proclamation of national marketing quotas for fire-cured (type 21) tobacco, fire-cured (types 22, 23 and 24) tobacco, and dark air-cured tobacco, and announcement and apportionment of the national marketing quotas for fire-cured (type 21) tobacco, fire-cured (types 22, 23 and 24) tobacco, dark air-cured tobacco, and Virginia sun-cured tobacco for the 1958–59 marketing year.

Sec.

AUTHORITY: §§ 725.905 to 725.909 issued under sec. 375, 52 Stat. 66, 7 U. S. C. 1375. Interpret or apply secs. 301, 312, 313, 52 Stat. 38, as amended; 46, as amended; 47, as amended; 7 U. S. C. 1301, 1312, 1313.

§ 725.905 *Basis and purpose.* (a) Sections 725.905 to 725.909 are issued (1) to establish the reserve supply level and the total supply of fire-cured (type 21) tobacco, fire-cured (types 22, 23 and 24) tobacco, dark air-cured tobacco, and Virginia sun-cured tobacco, respectively, for the marketing year beginning October 1, 1957; (2) to proclaim national marketing quotas for fire-cured (type 21) tobacco, fire-cured (types 22, 23 and 24) tobacco, and dark air-cured tobacco for each of the 1958–59, 1959–60, and 1960–61 marketing years; (3) to announce the amounts of the national marketing quotas for fire-cured (type 21) tobacco, fire-cured (types 22, 23 and 24) tobacco, dark air-cured tobacco, and Virginia sun-cured tobacco for the marketing year beginning October 1, 1958; and (4) to apportion such national marketing quotas for the 1958–59 marketing year among the several States. The findings and determinations contained in §§ 725.906 to 725.909 have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of the data, views, and recommendations received from fire-cured, dark air-cured, and Virginia sun-cured tobacco producers and others, as provided in a notice (22 F. R. 8187) given in accordance with the Administrative Procedure Act (5 U. S. C. 1003).

(b) Since fire-cured, dark air-cured, and Virginia sun-cured tobacco growers are making plans for their 1958 farming operations and are preparing plant beds and purchasing fertilizer and other materials, and since the Agricultural Adjustment Act of 1938, as amended, requires the holding of a referendum of producers of fire-cured and dark air-cured tobacco within 30 days after issuance of the proclamations of the national marketing quotas for such kinds of tobacco to determine whether such producers favor marketing quotas, it is hereby found that compliance with the 30-day effective date provisions of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the proclamations, announcements, and apportionments of the national marketing quotas for fire-cured (type 21) tobacco; fire-cured (types 22, 23 and 24) tobacco, dark air-cured and Virginia sun-cured tobacco contained herein shall become effective upon the date of filing with the Director, Division of the Federal Register.

§ 725.906 *Findings and determinations with respect to the amount of the national marketing quota for fire-cured (type 21) tobacco for the marketing year beginning October 1, 1958*—(a) *Reserve*

[1] Rounded to the nearest million pounds.

supply level.[1] The reserve supply level for fire-cured (type 21) tobacco is 28,586,000 pounds calculated as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 6,300,000 pounds and a normal year's exports of 6,000,000 pounds.

(b) *Total supply.* The total supply of fire-cured (type 21) tobacco for the marketing year beginning October 1, 1957 is 33,461,000 pounds consisting of carryover of 24,836,000 pounds and estimated 1957 production of 8,625,000 pounds.

(c) *Carryover.* The estimated carryover of fire-cured (type 21) tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1958, is 21,140,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1957 of 12,321,000 pounds from the total supply of such tobacco.

(d) *National marketing quota.* The total supply of fire-cured (type 21) tobacco exceeds the reserve supply level, and national marketing quotas for fire-cured (type 21) tobacco for the 1958–59, 1959–60 and 1960–61 marketing years are hereby proclaimed. The amount of fire-cured (type 21) tobacco which will make available during the marketing year beginning October 1, 1958, a supply of fire-cured (type 21) tobacco equal to the reserve supply level of such tobacco is 7,446,000 pounds and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 7,446,000 pounds would result in undue restriction of marketings during the 1958–59 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for fire-cured (type 21) tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1958 is 8,935,000 pounds.

(e) *Apportionment of the quota.* Since fire-cured (type 21) tobacco is grown only in the State of Virginia, the quota is apportioned only to that State under section 313 (a) of the Agricultural Adjustment Act of 1938, as amended. The national marketing quota, less 22,337 pounds reserved for establishing allotments for new farms, becomes the State marketing quota for Virginia. The State marketing quota is hereby converted in accordance with section 313 (g) of the act into a State acreage allotment of 7,880 acres. Likewise, the reserve of 22,337 pounds for establishing allotments for new farms is hereby converted into 20 acres.

§ 725.907 *Findings and determinations with respect to the national marketing quota for fire-cured (types 22, 23 and 24) tobacco for the marketing year beginning October 1, 1958*—(a) *Reserve supply level.*[1] The reserve supply level for fire-cured (types 22, 23 and 24) tobacco is 148,700,000 pounds calculated as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 33,500,000 pounds and a normal year's exports of 30,000,000 pounds.

(b) *Total supply.* The total supply of fire-cured (types 22, 23 and 24) tobacco for the marketing year beginning October 1, 1957, is 167,300,000 pounds consisting of carryover of 120,800,000 pounds and estimated 1957 production of 46,500,000 pounds.

(c) *Carryover.* The estimated carryover of fire-cured (types 22, 23 and 24) tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1958, is 111,900,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1957, of 55,400,000 pounds from the total supply of such tobacco.

(d) *National marketing quota.* The total supply of fire-cured (types 22, 23 and 24) tobacco exceeds the reserve supply level and national marketing quotas for fire-cured (types 22, 23 and 24) tobacco for the 1958–59, 1959–60 and 1960–61 marketing years are hereby proclaimed. The amount of fire-cured (types 22, 23 and 24) tobacco which will make available during the marketing year beginning October 1, 1958, a supply of fire-cured (types 22, 23 and 24) tobacco equal to the reserve supply level of such tobacco is 36,800,000 pounds and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 36,800,000 pounds would result in undue restriction of marketings during the 1958–59 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for fire-cured (types 22, 23 and 24) tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1958 is 44,200,000 pounds.

(e) *Apportionment of the quota.* The national marketing quota announced in paragraph (d) of this section is hereby apportioned among the several States pursuant to section 313 (a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313 (g) of the Act as follows:

State:	*Acreage allotment*
Illinois	1
Kentucky	15,352
Tennessee	17,296
Reserve[1]	82

[1] Acreage reserved for establishing allotments for new farms.

§ 725.908 *Findings and determinations with respect to the amount of the national marketing quota for dark air-cured tobacco for the marketing year beginning October 1, 1958*—(a) *Reserve supply level.*[1] The reserve supply level for dark air-cured tobacco is 87,800,000 pounds calculated as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 25,000,000 pounds and a normal year's exports of 9,000,000 pounds.

(b) *Total supply.* The total supply of dark air-cured tobacco for the marketing year beginning October 1, 1957, is 100,800,000 pounds consisting of carryover of 77,500,000 pounds and estimated 1957 production of 23,300,000 pounds.

(c) *Carryover.* The estimated carryover of dark air-cured tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1958, is 69,400,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1957, of 31,400,000 pounds from the total supply of such tobacco.

(d) *National marketing quota.* Since the 1957–58 marketing year is the last year of three consecutive years for which marketing quotas previously proclaimed will be in effect, national marketing quotas for dark air-cured tobacco for the 1958–59, 1959–60 and 1960–61 marketing years are hereby proclaimed. The amount of dark air-cured tobacco which will make available during the marketing year beginning October 1, 1958, a supply of dark air-cured tobacco equal to the reserve supply level of such tobacco is 18,400,000 pounds and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 18,400,000 pounds would result in undue restriction of marketings during the 1958–59 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for dark air-cured tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1958, is 22,100,000 pounds.

(e) *Apportionment of the quota.* The national marketing quota is hereby apportioned among the several States pursuant to section 313 (a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313 (g) of the act as follows:

State:	*Acreage allotment*
Kentucky	13,450
Tennessee	2,268
Indiana	46
Reserve[1]	39

[1] Acreage reserved for establishing allotments for new farms.

§ 725.909 *Findings and determinations with respect to the national marketing quota for Virginia sun-cured tobacco for the marketing year beginning October 1, 1958*—(a) *Reserve supply level.*[2] The reserve supply level for Virginia sun-cured tobacco is 9,052,000 pounds calculated as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 2,775,000 pounds and a normal year's exports of 600,000 pounds.

(b) *Total supply.* The total supply of Virginia sun-cured tobacco for the marketing year beginning October 1, 1957, is 8,159,000 pounds consisting of a carryover of 5,324,000 pounds and estimated 1957 production of 2,835,000 pounds.

(c) *Carryover.* The estimated carryover of Virginia sun-cured tobacco at the beginning of the marketing year for

[1] Rounded to the nearest tenth of a million pounds.

[2] Rounded to nearest thousand pounds.

such tobacco beginning October 1, 1958, is 4,960,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1957, of 3,199,000 pounds from the total supply of such tobacco.

(d) *National marketing quota.* The amount of Virginia sun-cured tobacco which will make available during the marketing year beginning October 1, 1958, a supply of Virginia sun-cured tobacco equal to the reserve supply level of such tobacco is 4,092,000 pounds and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 4,092,000 pounds would result in undue restriction of marketings for the 1958–59 marketing year and such amount is increased by 20 percent. Therefore, the amount of the national marketing quota for Virginia sun-cured tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1958, is 4,910,000 pounds.

(e) *Apportionment of the quota.* Since Virginia sun-cured tobacco is grown only in the State of Virginia, the quota is apportioned only to that State under section 313 (a) of the Agricultural Adjustment Act of 1938, as amended. The national marketing quota, less 12,275 pounds reserved for establishing allotments for new farms, becomes the State marketing quota for Virginia. The State marketing quota is hereby converted in accordance with section 313 (g) of the act into a State acreage allotment of 5,388 acres. Likewise, the reserve of 12,275 pounds for establishing allotments for new farms is hereby converted into 14 acres.

Done at Washington, D. C., this 29th day of January 1958. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 58-819; Filed, Jan. 30, 1958; 3:05 p.m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 817, Rev. 2]

PART 817—REQUIREMENTS RELATING TO BRINGING OR IMPORTING SUGAR OR LIQUID SUGAR INTO CONTINENTAL UNITED STATES

PART 818—ENTRY OF SUGAR INTO CONTINENTAL UNITED STATES EX-QUOTA

PART 819—ENTRY OR MARKETING OF SUGAR FOR ALCOHOL OR LIVESTOCK FEED

REVISION AND CONSOLIDATION OF REGULATIONS

Basis and purpose. The regulations contained in §§ 817.1 through 817.12 are issued pursuant to section 403 (a) of the Sugar Act of 1948, as amended (61 Stat. 922, as amended) hereinafter called the "act."

The purpose of these regulations is to revise and consolidate into one Part 817 all of the regulations which have been in Part 817 (16 F. R. 12847), Part 818 (16 F. R. 11951) and Part 819 (13 F. R. 2063, redesignated at 14 F. R. 466 and 19 F. R. 396), Title 7 of the Code of Federal Regulations. Heretofore, procedures governing the importation of sugar and liquid sugar into the continental United States within the sugar quota system under the act have been established in Part 817, and additional procedures applicable to sugar and liquid sugar not subject to quotas at the time of importation have been established in Parts 818 and 819. This revision consolidates in the one Part 817 all procedures applicable to bringing or importing sugar or liquid sugar into the continental United States, clarifies and completes the regulation by incorporating material which has been covered by supplemental instructions and interpretations, implements the requirements of Part 810, and takes into consideration recent developments in the handling of sugar.

Notice of the proposed revision of Part 817 was published on October 10, 1957 (22 F. R. 8131) in accordance with the Administrative Procedure Act (60 Stat. 237). Consideration has been given to the data, views and arguments submitted in connection therewith and is reflected in the regulation as stated herein within the limits permitted by the act.

The regulations contained in §§ 817.1 through 817.12 do not effect extensive changes in the substantive provisions of the existing regulations and the changes do not require of the persons affected any substantial or extensive preparation prior to the effective date. It is in the public interest to make the requirements applicable to the entry of sugar into the continental United States effective near the beginning of the quota year. Also, since this regulation implements the provisions of Part 810 (22 F. R. 8170) which is effective January 1, 1958, it is necessary and practicable that both regulations become effective simultaneously. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and, consequently, the regulations contained in §§ 817.1 through 817.12 shall be effective when published in the FEDERAL REGISTER.

Pursuant to the authority vested in the Secretary of Agriculture by section 403 (a) of the act, Part 817 (16 F. R. 12847) is revised and amended to read as follows:

Sec.

AUTHORITY: §§ 817.1 to 817.12 issued under sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interpret or apply secs. 101, 205, 209, 211, 212, 301; 61 Stat. 922, as amended, 926, as amended, 928, 929, as amended; 7 U. S. C. 1101, 1115, 1119, 1121, 1122, 1131.

§ 817.1 *Purpose and persons affected.* (a) The regulations in this part establish, under authority contained in the Sugar Act of 1948, as amended (61 Stat. 922, as amended), the procedures applicable to (1) importing sugar and liquid sugar into the continental United States (excluding Alaska) from all domestic offshore areas and all foreign countries and (2) reporting the evaluation provided for in Part 810 of this chapter and the subsequent processing and movement of such sugar and liquid sugar.

(b) Persons affected by the provisions of this part include importers, mainland refiners, allottees of offshore domestic sugar quotas, shipping companies engaged in the transportation of sugar and liquid sugar to ports in the continental United States, persons otherwise engaged in the movement of sugar in interstate or foreign commerce and surety companies undertaking obligations with respect to imported sugar or liquid sugar.

§ 817.2 *Definitions.* As used in this part:

(a) The term "act" means the Sugar Act of 1948, as amended (61 Stat. 922).

(b) The term "person" means an individual, partnership, corporation, association, estate, trust, or other business enterprise or legal entity, and, wherever applicable, any unit, instrumentality, or agency of a government, domestic or foreign.

(c) The term "Department" means the United States Department of Agriculture.

(d) The term "Secretary" means the Secretary of Agriculture or any officer or employee of the Department to whom the Secretary has lawfully delegated the authority or to whom authority may hereafter be delegated to act in his stead.

(e) The term "Sugar Division" means the Sugar Division of the Commodity Stabilization Service, of the Department, Washington 25, D. C., or any other organizational unit within the Department to which administration of the Sugar Act may hereafter be delegated.

(f) The term "Collector" means the Collector of Customs, U. S. Bureau of Customs, for the District in which the port of entry is located or any officer of the Bureau of Customs designated to act in his stead.

(g) The terms "import," "importation" and "importing" mean the act of bringing sugar or liquid sugar into the continental United States (excluding Alaska) from either an insular domestic area or a foreign country.

(h) The term "importer" means any person who brings or imports sugar or liquid sugar into the continental United States (excluding Alaska), including but not limited to the owner, consignor, consignee, transferee or purchaser of such sugar or the broker acting on behalf of such person.

(i) The term "refiner" means any person who subjects offshore sugar or liquid sugar to processes as provided in Part 810 of this subchapter.

(j) The terms "sugars," "sugar," "raw sugar," "direct-consumption sugar" and "liquid sugar" have the meanings ascribed to each in section 101 (b), (c), (d), (e) and (f), respectively, of the act subject to the provisions of Part 810 of this subchapter with respect to the distinction between raw and direct-consumption sugar.

(k) The term "quota" means any quota or the direct-consumption portion of any quota or a proration of either established by the Secretary in Part 811 of this subchapter pursuant to the act.

(l) The term "allotment" means any allotment of any quota made by the Secretary pursuant to section 205 (a) of the act.

§ 817.3 *Restrictions on importing sugar and liquid sugar.* (a) Any person is hereby prohibited from importing more than 100 pounds of sugar or liquid sugar except pursuant to the provisions of this part.

(b) Sugar and liquid sugar shall be imported only at Customs ports of entry.

(c) Subsequent provisions of this part do not apply to operators of common carriers importing a quantity of sugar or liquid sugar no larger than reasonably required for consumption by passengers and crew to the termination of a trip beginning in an insular area or foreign country.

(d) A copy of the ship's manifest, bills of lading, or other shipping documents covering all sugar or liquid sugar in a shipment must be submitted to the Collector before delivery to the consignee of sugar or liquid sugar for direct-consumption or within 72 hours after the beginning of unlading of sugar or liquid sugar which is to be further refined.

(e) In any case in which the Collector is not authorized pursuant to § 817.5 to to permit the release of any sugar or liquid sugar at the time of arrival at the port of entry, he shall take custody of such sugar or liquid sugar whether of domestic or foreign origin and shall retain custody, at the risk and expense of the consignee or owner, until authorized to permit release thereof in accordance with § 817.5. In taking and retaining custody pursuant to these regulations of sugar or liquid sugar of foreign origin, the Collector shall be governed by the provisions of §§ 4.37, 4.38, 19.1 through 19.9 and 19.12 of Chapter I, Title 19, Code of Federal Regulations, which are made applicable to such custody by reference as fully as if set forth in full herein. In taking and retaining custody pursuant to these regulations of sugar or liquid sugar of domestic origin, the Collector shall place and hold such sugar or liquid sugar in a public warehouse or in a private warehouse; provided, that, if sugar is retained in custody in a private warehouse, it shall be either (1) segregated from all other sugar or liquid sugar or (2) if commingled with other sugar, additions to or withdrawals from the unsegregated mass shall be made only in the presence of a Customs officer.

(f) Any quantity of sugar or liquid sugar of any origin removed from a vessel or carrier and placed in the custody of a Collector or in a Foreign Trade Zone shall be reported within 24 hours from the time such sugar is removed from the carrier. Such report shall be made by the importer and shall furnish all information required pursuant to paragraph (a) of § 817.4. The report shall be made on appropriate copies of the "Sugar Quota Clearance Record" and must be submitted to the Collector for confirmation and transmittal to the Sugar Division.

(g) Sugar released by a Collector pursuant to § 817.5 for further processing shall not be delivered for direct consumption without prior authorization by the Secretary. The application for such authorization (change of purpose) must be made on appropriate copies of the "Sugar Quota Clearance Record," must show all of the information specified in paragraph (a) of § 817.4 and shall be submitted to the Sugar Division.

§ 817.4 *Application by importer.* (a) A separate application must be submitted as specified in paragraph (c) of this section on appropriate copies of a form prescribed by the Secretary entitled "Sugar Quota Clearance Record" not more than 10 days prior to the departure date stated thereon, showing the following information regarding the sugar or liquid sugar to be delivered to a single refinery or importer from each cargo:

(1) Port and date of arrival. If the port is not known when the application is submitted, this information must be supplied before a Collector will be authorized to release the sugar or liquid sugar.

(2) Name of the vessel or other specific identification of the carrier.

(3) Name of the producing area, the port of lading and the date the carrier is expected to depart from such port. If from Puerto Rico, or any area after its quota or portion thereof is allotted, name of the processor of the sugar from sugarcane, and for direct-consumption sugar, the name of the refiner, if a person other than the processor.

(4) Name and address of the person to whom delivery is to be made from the importing carrier. If not known when an application is submitted to the Sugar Division, this information must be supplied before a Collector will be authorized to release the sugar or liquid sugar.

(5) Separate quantities in pounds if crystalline, or in gallons if liquid, to be imported as shown on the application: (i) In bags identified by a separate mark; (ii) for further processing; (iii) for direct-consumption; (iv) subject to a separate quota or allotment; and (v) for a purpose other than to fill a current quota. For sugar or liquid sugar not subject to allotments established pursuant to section 205 (a) of the act, the designation of separate quantities within the total to be imported which are identified by separate marks shall be shown on the report required pursuant to paragraph (f) of this section, if such information cannot be shown at the time the application is submitted.

(6) Name, address and authorized signature of the applicant.

(b) Any application made pursuant to this section constitutes a representation by the applicant that at the time the application is made:

(1) He has control of the quantity of sugar or liquid sugar which is subject to shipment as specified;

(2) Firm commitment has been made by the shipping company for shipment as described on the application; and

(3) The date of departure of the vessel or carrier stated on the application is (i) the date specified to the applicant or shipper by the Master, Owner or Agent of such vessel or carrier as the expected departure date, or (ii) the date the shipper expects the vessel to depart based on the date the vessel or carrier will be available for loading as specified by the Master, Owner or Agent of such vessel or carrier plus the normally required loading time.

(c) When specific authorization by the Secretary is required pursuant to § 817.5, the application specified in paragraph (a) of this section shall be submitted to the Sugar Division, for action and transmittal to the Collector. When specific authorization by the Secretary is not so required, appropriate copies of the "Sugar Quota Clearance Record" shall be submitted directly to the Collector at the port of entry of the sugar.

(d) When specific authorization by the Secretary is required pursuant to § 817.5 such authorization may be issued prior to the receipt of an application on appropriate copies of the "Sugar Quota Clearance Record": *Provided,* That all of the information required pursuant to paragraph (a) of this section is transmitted to the Sugar Division by telegram and such advance authorization is necessary to avoid delay in the delivery of the sugar.

(e) Any application made pursuant to this section for a purpose stated in § 817.8 shall show, over the signature of the applicant, his agreement as follows:

This application is made subject to the conditions of bond on Form SU–17 numbered _____ (Insert bond number, if already approved) on which _____ (Insert name of bond principal) is principal and _____ (Insert name of surety) of _____ (Address of surety), is surety, under which all of the sugar authorized on this application to be brought or imported into the continental United States is to be _____ (Insert one of the purposes stated in paragraph (b) of § 817.8)

(f) Within 30 days after release by the Collector pursuant to § 817.5, of sugar or liquid sugar declared to be for further processing, the results of weights, samples and tests and the name of the person retaining the reserve portion of each sample as provided for in Part 810 of this subchapter shall be reported to the Sugar Division on the applicable copy of the "Sugar Quota Clearance Record" or a duplicate of such copy, together with information specified in paragraph (a) of this section. The period within which the report required pursuant to this paragraph must be made

may be extended for good cause shown with respect to a specified shipment upon request to and approval by the Secretary.

§ 817.5 *Release by a Collector.* (a) With respect to raw sugar or direct-consumption sugar imported to fill the quota for Cuba, with respect to raw sugar imported to fill the quota for the Republic of the Philippines and, when allotments are not in effect, with respect to raw sugar imported to fill the quotas for Hawaii or Puerto Rico, Collectors may release the quantities requested on applications provided for in § 817.4 which are submitted to them for shipments arriving in any calendar year on or before August 31 of that year or such earlier date as the Secretary shall have given notice by publication in the FEDERAL REGISTER that on such date 80 percent or more of the applicable quota has been filled. After August 31 of any calendar year or after the Secretary has given notice that 80 percent or more of the applicable quota has been filled, whichever is the earlier, the Collector may release for importation the sugar from the countries and from Hawaii and Puerto Rico heretofore specified in this paragraph only upon specific authorization by the Secretary pursuant to § 817.6.

(b) With respect to raw sugar imported to fill the quotas for the Virgin Islands and foreign countries other than Cuba and the Republic of the Philippines, and, when allotments are in effect, for Hawaii or Puerto Rico, and with respect to direct-consumption and liquid sugar imported to fill the quotas for any area or country, other than direct-consumption sugar from Cuba, a Collector may release such sugar only upon specific authorization by the Secretary pursuant to § 817.6 with respect to each application.

(c) With respect to sugar or liquid sugar to be imported for any purpose other than to fill a current quota, a Collector may release such sugar only upon specific authorization by the Secretary pursuant to § 817.6 with respect to each application, except that the quantities for which no application is required pursuant to § 817.3 may be released by a Collector at any time.

§ 817.6 *Specific authorization for release*—(a) *Time of issue and duration of validity.* Specific authorizations by the Secretary for release by a Collector will be issued no more than 5 days prior to the stated date of departure of the vessel or other carrier on which the sugar or liquid sugar is to be shipped. The authorization shall be valid for the period specified thereon, subject to extension by the Secretary for good cause, and shall be cancelled only if mistakenly issued, a misrepresentation was made, the shipment does not depart within 3 days of the date stated on the application, or importation does not occur during the period specified. In case the port of arrival or the name of the receiver is not known when the application becomes eligible pursuant to paragraph (b) of this section, the authorization will not be transmitted to the Collector until all the information required by paragraph (a) of § 817.4 is received in the Sugar Division.

(b) *Order of eligibility for authorization.* Whenever the quota or allotment applicable pursuant to § 817.7 has not been filled, applications received no more than 10 days prior to the date of departure stated thereon which apply to sugar or liquid sugar subject to the same quota or allotment shall become eligible in the order of the departure dates shown thereon (beginning with the earliest): *Provided,* That, for quantities remaining at Customs ports of entry after a portion of the sugar imported in the same shipment was authorized for release pursuant to this part and for shipments departing on the same date, the application first received in the Sugar Division shall be the first to become eligible, and in any such case, if two or more applications are received at the same time, such applications shall be eligible simultaneously and the quantities authorized, if less than requested, will be in the same proportion as the quantity requested on each such application is to the sum of the quantities requested on all such applications.

(c) *Substitution.* Release of a quantity of sugar or liquid sugar subject to a quota or allotment may be authorized by the Secretary after such quota or allotment has been filled: *Provided,* That, an equivalent quantity of sugar or liquid sugar previously released pursuant to § 817.5 within the same quota or allotment has been delivered into the custody of a Collector. The Collector shall retain custody of such equivalent quantity of sugar or liquid sugar in accordance with § 817.3 (e) until release is authorized pursuant to § 817.5 within a quota or allotment established for the area or allottee from which the sugar or liquid sugar released pursuant to this paragraph was imported.

(d) *Importation for quota-exempt purposes.* Authorization may be issued by the Secretary on applications to import sugar or liquid sugar for the purposes stated in sections 211 and 212 of the act, subject to the limitations specified in those sections and the conditions established in § 817.8.

(e) *Extent of authorizations.* Except as provided in paragraphs (c) and (d) of this section, no authorization shall be issued when the quantity of sugar or liquid sugar released for consumption in the continental United States, together with the quantity covered by valid authorizations for such purposes issued hereunder, equals the applicable quota or allotment.

(f) *Denial of authorizations.* Authorizations on applications otherwise eligible may be denied if the applicant has failed to report in the manner and within the time prescribed in this part with respect to shipments previously imported.

§ 817.7 *Applicable quota and allotment*—(a) *Quota.* Sugar or liquid sugar imported shall be subject to the quota for the area or country in which the sugar or liquid sugar was produced, as shown on the application provided for in § 817.4, or as otherwise determined, and as provided in § 817.8.

(b) *Allotment.* (1) When the quota which is applicable pursuant to paragraph (a) of this section has been allotted pursuant to section 205 (a) of the act, the sugar imported pursuant to the application shall be subject to the allotment made to the person named thereon as the allottee if the application is made by (i) such allottee; (ii) a person authorized by the allottee by letter to the Sugar Division to make such representations on behalf of the allottee for all or a specified portion of his allotment for the designated year, or (iii) an applicant who purchased the sugar from the allottee or a person holding an authorization under subdivision (ii) of this subparagraph. The quantity of sugar stated on an application as subject to the allotment of the allottee named thereon shall not exceed the supply of sugar processed by such allottee which was not previously marketed pursuant to Part 816 of this subchapter or previously imported or applied for pursuant to this part.

(2) Nothing in this paragraph shall preclude the Secretary from applying imported sugar or liquid sugar to fill the allotment of the allottee who processed such sugar or liquid sugar in any case where he determines that the foregoing provisions of this paragraph have been evaded, not complied with or are inapplicable. The term "processed" as used in this paragraph means the production of sugar from sugarcane or the production of direct-consumption sugar from raw sugar.

(c) *Quantity and time of effect.* (1) When specific authorization by the Secretary is required pursuant to § 817.5, the quantity authorized for release shall be effective for filling the applicable quota and allotment at the time such application is eligible for authorization pursuant to § 817.6. For this purpose the raw value of the authorized quantity shall be estimated by considering the relationship between other authorized quantities for recent shipments subject to the same quota or allotment and the raw values thereof determined as provided in Title I of the act on the basis of weights and tests determined pursuant to Part 810 of this subchapter and such other factors as the Secretary deems applicable.

(2) When the Collector is authorized pursuant to § 817.5 to release the sugar without specific authorization by the Secretary, the quantity shown on the applicable copy of the "Sugar Quota Clearance Record" as having been released by the Collector shall be effective for filling the applicable quota and allotment at the time of such release to the extent of the estimated short tons, raw value, thereof determined in the manner provided for in subparagraph (1) of this paragraph.

(3) Upon receipt of the report required pursuant to § 817.4 (f) covering each application initially given effect pursuant to subparagraph (1) or (2) of this paragraph, the applicable quota and allotment shall have been filled by the sugar or liquid sugar imported pursuant to the authorization represented by either raw or direct-consumption sugar, determined as prescribed in Part 810 of

this subchapter, to the extent of its raw value, as defined in Title I of the act and as finally computed from the weights and tests determined pursuant to Part 810, of this subchapter except that the raw value of liquid sugar imported from Puerto Rico shall be computed by multiplying the total sugar content thereof by the factor 1.07.

(4) Whenever the Secretary determines that (i) a default in a condition of a bond accepted pursuant to § 817.9 has occurred or, (ii) a quantity of sugar or liquid sugar authorized for release for importation as raw sugar is direct-consumption sugar pursuant to § 810.5 (c) of this subchapter, by virtue of its use for which authorization pursuant to § 817.3 (g) was not granted, or (iii) a quantity of sugar or liquid sugar has been imported without authorization for release as required pursuant to § 817.5, the quantity of sugar or liquid sugar involved in such default, change of purpose, or importation without authorization shall be applied to the applicable quota and allotment in effect at the time of importation after all importations made in accordance with the regulations of this part to which the same quota and allotment were applicable have been applied thereto.

§ 817.8 *Authorization for purposes other than to fill current quotas.* (a) Upon fulfillment of the requirements of §§ 817.3 and 817.4 and the applicable provisions of this section and § 817.9, the authorization provided for in § 817.5 (c) may be given to the Collector to release sugar or liquid sugar for importation for the purposes specified in this section without effect on a quota at the time of importation.

(b) Sugar or liquid sugar may be released for importation by or delivery to the principal on a bond accepted pursuant to § 817.9 to fulfill the following purposes:

(1) Exportation as sugar or liquid sugar within the provisions of section 313 of the Tariff Act of 1930, as amended, or direct shipment (otherwise than under the provisions of section 313 of the Tariff Act of 1930, as amended) as sugar or liquid sugar by the importer or refiner to a territory or possession of the United States. (Sugar shipped to Hawaii or Puerto Rico is subject to the provisions of section 211 (c) of the act and the applicable provisions of regulations of the Secretary establishing (i) sugar requirements and quotas for Hawaii and Puerto Rico, (ii) allotments of sugar quotas for Hawaii and Puerto Rico, and (iii) requirements relating to the marketing of sugar for consumption in the Territory of Hawaii and Puerto Rico.)

(2) Manufacture and exportation of other articles within the provisions of section 313 of the Tariff Act of 1930, as amended.

(3) Distillation of alcohol.

(4) Livestock feed or the production of livestock feed.

(c) The remaining portion of the single shipment of raw sugar of which a portion is authorized for importation pursuant to § 817.6 as the final quantity to fill the applicable quota but not to exceed the smaller of five percent of the applicable quota or 5,000 short tons, raw value, may be authorized for release for importation by or delivery to a refiner who is the principal on a bond accepted pursuant to § 817.9 under which the principal is obligated to hold the sugar so imported or an equivalent quantity at the refinery at which such sugar was received until release within the applicable quota or allotment is authorized by the Secretary.

(d) Whenever the Secretary has given public notice that such action will not interfere with the effective administration of the act, raw sugar may be authorized for release for importation by or delivery to a refiner who is the principal on a bond accepted pursuant to § 817.9 under which the principal is obligated to hold the sugar or an equivalent quantity subject to such conditions as may be specified in such notice until release within the applicable quota or allotment is authorized by the Secretary.

(e) Upon fulfillment of the requirements of §§ 817.3 and 817.4 the authorization provided for in § 817.5 (c) may be issued to the Collector for the release of sugar or liquid sugar for purposes stated in section 212 of the act, other than those specified in paragraph (b) of this section, within the limitations specified in such section 212 of the act.

§ 817.9 *Bonds to cover releases.* (a) No authorization for the purposes specified in § 817.8 (b), (c) and (d) shall be issued nor shall a Notice of Delivery which covers the delivery of a quantity of sugar or liquid sugar to the principal of another bond be accepted until the Secretary has accepted a bond meeting the requirements of this section. The Secretary may accept a bond to cover importations which may be made during the period of time specified in the bond or for a specified importation.

(b) *Principal and surety.* Any person having an interest therein may be the principal on the bond covering sugar or liquid sugar to be exported with benefit of drawback of duty. Only the importer or refiner may be the principal on a bond to cover sugar or liquid sugar to be shipped to a territory or possession of the United States or used for distillation of alcohol, for livestock feed, or for the production of livestock feed. Only a refiner may be the principal on a bond covering sugar or liquid sugar to be imported for further processing as provided for in § 817.8 (c) and (d). The surety or sureties shall be among those listed by the Secretary of the Treasury as acceptable on Federal bonds.

(c) *Obligation* — (1) *Establishment and effective date.* The obligation under the bond shall be made effective and be established by: (i) The Secretary's issuance of the authorization required pursuant to § 817.5 (c) for release of the sugar or liquid sugar by the Collector; or (ii) the Secretary's acceptance of a Notice of Delivery covering a quantity of sugar or liquid sugar delivered by the principal of a bond to the principal of another bond pursuant to subparagraph (1) (iii) of paragraph (d) of this section, such Notice of Delivery to be executed jointly by the principals of the two bonds involved on a form prescribed by the Secretary.

(2) *Amount.* The monetary amount of the obligation under the bond shall not be less than the sum of the amounts applicable to all quantities of sugar or liquid sugar covered at any one time thereunder by virtue of the issuance of authorizations required pursuant to § 817.5 (c) for release of sugar or liquid sugar by the Collector or acceptance of Notices of Delivery, and such obligations shall be effective whether or not the surety receives notice from the Secretary of the issuance of such an authorization or the acceptance of a Notice of Delivery. The amount applicable to each quantity of sugar covered by each authorization for release of sugar by the Collector or by each Notice of Delivery, and made subject to a bond accepted under this part shall be the "spot" quotation (Cuban in bond equivalent) per pound of raw sugar for consumption in the continental United States determined by the New York Coffee and Sugar Exchange for the last business day before the date of application to the Secretary for the issuance of such authorization or acceptance of such Notice of Delivery, multiplied by the weight in pounds of such quantity of sugar. The amount applicable to each quantity of liquid sugar covered by each authorization for release of liquid sugar by the Collector or by each Notice of Delivery shall be computed upon the basis of the same price per pound, ascertained as heretofore stated in this paragraph, multiplied by the pounds of the "total sugar content," as defined in section 101 (i) of the act of such quantity of liquid sugar. The quantity of sugar or liquid sugar covered by each authorization required pursuant to § 817.5 (c) for release by the Collector or by each Notice of Delivery shall be the quantity stated in the Notice of Delivery or in the application submitted on the Sugar Quota Clearance Record, or the quantity stated in the report made to and received by the Sugar Division in accordance with § 817.4 (f) if differing from the quantity stated in the authorization for release of sugar or liquid sugar by the Collector.

(d) *Conditions.* Any bond accepted pursuant to this part shall provide for the following conditions to apply to sugar and liquid sugar authorized to be released by the Collector pursuant to the provisions of § 817.8.

(1) The raw value equivalent of the sugar or liquid sugar authorized under the bond to be imported for the purpose of exporting sugar or liquid sugar shall be:

(i) Exported within six months after the date of importation with drawback of duty subsequently allowed pursuant to section 313 of the Tariff Act of 1930, as amended, as evidenced by the reports of such exportation and allowance from the principal and the Collector of Customs, as provided for in paragraph (e) of this section;

(ii) Shipped within six months after the date of importation to a territory or possession of the United States as evidenced by bills of lading or other shipping documents and the report by the principal of such shipment as provided

for in paragraph (e) of this section; or,

(iii) Delivered within six months after the date of importation to the principal on another bond accepted pursuant to this section.

(2) The raw value equivalent of the sugar or liquid sugar authorized under the bond to be imported, or authorized to be delivered subsequent to importation under another bond, for the manufacture of products to be exported, shall be exported in manufactured products within three years after the date of importation of the sugar or liquid sugar with drawback of duty subsequently allowed pursuant to section 313 of the Tariff Act of 1930, as amended, as evidenced by the reports of such exportation and allowance of drawback by the principal and the Collector, as provided for in paragraph (e) of this section.

(3) The raw value equivalent of the sugar or liquid sugar authorized under the bond to be imported for the distillation of alcohol, for livestock feed or for the production of livestock feed shall be so used within one year after the date of importation as subsequently evidenced by a certificate of use as provided for in paragraph (e) of this section.

(4) The raw value equivalent of the raw sugar authorized under a bond to be imported by or delivered to a refiner pursuant to the provisions of § 817.8 (c) shall be held at the refinery at which such sugar was received until release of such sugar or liquid sugar within the applicable quota is authorized by the Secretary.

(5) The raw value equivalent of the raw sugar authorized under a bond to be imported by or delivered to a refiner pursuant to the provisions of § 817.8 (d) shall be held by the refiner subject to such conditions as may be specified in the public notice given by the Secretary authorizing the release for importation of sugar for the purpose specified in paragraph (d) of § 817.8.

(6) Any bond furnished pursuant to this part shall provide that the obligation established thereunder will remain in full force and effect until the Secretary notifies the principal and surety of release thereof. The Secretary may release all or any part of the monetary amount of the obligation of the bond which is applicable to the quantity of sugar or liquid sugar covered by an issued authorization for release thereof by a Collector or by an accepted Notice of Delivery with respect to which quantity either the applicable conditions set forth in subparagraphs (1) through (5) of this paragraph have been fulfilled, or another bond has been accepted: *Provided,* That, nothing in this section shall preclude the Secretary from: (i) Accepting evidence other than that provided for in subparagraphs (1), (2) and (3) of this paragraph to establish that any of the conditions provided in such subparagraphs have been fulfilled, or (ii) determining that any of the conditions provided in subparagraphs (1) through (5) of this paragraph have been fulfilled by virtue of the destruction or other disposition of sugar or liquid sugar having an effect for quota purposes as if the applicable conditions set forth in such subparagraphs have been fulfilled, or (iii) extending at his discretion the time for fulfillment of any of the conditions set forth in subparagraphs (1) through (5) of this paragraph upon the written request of and for good cause shown by the principal named on the bond and without notice to the surety on such bond.

(7) Upon default in any applicable condition heretofore set forth, and the expiration of any extension of time for fulfillment thereof that may be granted in writing by the Secretary, payment shall be made to the United States of America of a sum equal to the full amount of the obligation determined as prescribed in paragraph (c) of this section which is applicable to the quantity of sugar or liquid sugar covered by an authorization for release of sugar or liquid sugar by the Collector or by a Notice of Delivery, and with respect to which quantity the default occurred in whole or in part.

(8) The payment or the acceptance of any payment made to the United States of America pursuant to this paragraph shall not be deemed to preclude or to constitute a waiver of recovery of any forfeiture, penalty or liability provided for by the act or any other provision of law.

(e) *Reports of evidence that conditions of bond have been fulfilled.* (1) All principals on bonds given for the purpose specified in § 817.8 (b) (1) or (2) shall, by the 10th of each month, submit a report to the Sugar Division showing the following information: (i) With respect to allowances of drawback of duty for exportations for which drawback of duty was allowed in the month preceding the month in which the report is submitted, the identity, by number, of the bond to which the exported quantity of sugar should apply, the date of exportation of the sugar or liquid sugar, the quantity of sugar exported or used in the manufacture of the exported sugar or liquid sugar or the sugar or liquid sugar used in the manufacture of the exported articles, the port and date of entry or withdrawal of the sugar designated as a basis for drawback of duty and the consumption entry or warehouse withdrawal number, the country of origin of the sugar designated as a basis for drawback of duty, and the quantity and polarization or, if liquid sugar, the total sugar content of the designated liquid sugar on which drawback of duty was allowed; and (ii) with respect to sugar or liquid sugar shipped to a territory or possession of the United States within the preceding month; the identity, by number, of the bond to which the shipped quantity of sugar or liquid sugar should apply, the date of shipment and the destination of the sugar or liquid sugar, and the country or area of origin of the shipped sugar or liquid sugar.

(2) All principals on bonds given for the purpose specified in § 817.8 (b) (3) or (4) shall transmit to the Sugar Division no later than 30 days after the expiration of the performance period under the bond certificates executed by the persons who used the sugar showing the following information on a form prescribed by the Secretary:

	Hundredweight
(i) Total quantity of sugar used between the first day of the month in which the sugar to which this certificate applies was acquired and the date of execution of this certificate:	
Distillation of alcohol	------
Livestock feed	------
Production of livestock feed	------
(ii) Part of total [subdivision (i) of this subparagraph] so used which was or is to be covered by other certificates (certificates previously executed or to be executed to cover sugar acquired from other suppliers or processors)	------
(iii) Quantity of sugar to which this certificate applies	------

Each certificate shall be endorsed by the principal of the bond acknowledging that the use of the sugar to which the certificate applies is to apply to the fulfillment of the conditions of the bond on which he is the principal and the bond shall be identified on the endorsement.

(3) Each Collector of Customs shall, by the 10th of each month, report all allowances of drawback in the preceding month which were based on exportations of sugar or manufactured sugar-containing articles. Such report shall show the following information: The person who manufactured the exported product and the date of exportation; and, with respect to the sugar designated as a basis for the claim for drawback of duty, the date and port of entry or withdrawal, the consumption entry or warehouse withdrawal number (if warehouse withdrawal numbers of a separate series are not assigned, the warehouse entry number should be furnished), the country of origin, the quantity and polarization or, if liquid sugar, the total sugar content, on which drawback was allowed.

§ 817.10 *Credits to quotas.* The raw value equivalent of any sugar or liquid sugar in any form, including sugar or liquid sugar in manufactured products, exported from the continental United States under the provisions of section 313 of the Tariff Act of 1930, as amended, shall be credited to the applicable quota or proration for the country of origin of the imported sugar or liquid sugar designated as a basis for the allowance of drawback of duty on the exported sugar or liquid sugar or manufactured articles: *Provided,* That, the exportation has not been reported to the Secretary to fulfill the conditions of a bond furnished pursuant to § 817.9. The applicable quota or proration shall be that quota or proration for the country of origin of the designated sugar in effect when the Collector's report of the allowance of drawback is received and acted upon by the Secretary.

§ 817.11 *Records and reports.* (a) For the purposes of this part, any quantities of sugar imported as crystalline sugar which are subsequently converted into and marketed as liquid sugar shall be reported subsequent to such conversion as the quantities of crystalline sugar so converted and the raw value thereof shall be determined as prescribed

in paragraph (1), (2) or (3) of section 101 (h) of the act, applicable to the crystalline sugar so converted. Liquid sugar, exclusive of that identified as imported within a liquid sugar quota, for which the quantities of converted crystalline sugar are unknown shall be reported in terms of the total sugar content and the raw value thereof shall be determined by multiplying the total sugar content by the factor 1.07.

(b) Each person subject to the provisions of this part shall keep and preserve, for a period of two years following the end of the calendar year in which the sugar or liquid sugar was imported into the continental United States, an accurate record of the receipt, processing and movement of such sugar and liquid sugar and of all tests, gallonages and weights pertaining thereto, except that all records relating to the receipt and disposition of sugar or liquid sugar authorized for release pursuant to § 817.8 shall be kept and preserved for a period of two years following the end of the calendar year in which the sugar was disposed of pursuant to the requirements of § 817.9 (d). Upon request by any authorized employee of the Department, such records shall be made freely available for examination by such employee during the regular working hours of any business day.

(c) Each person subject to the provisions of this part shall make application for authorizations provided for in this part and shall report information as and when required by the Secretary on forms specified by him and approved by the Bureau of the Budget under the Federal Reports Act of 1942. In addition to the applications, authorizations and reports otherwise specifically referred to in this part, this requirement shall include, but is not necessarily limited to, the information prescribed on Form SU–73 or Form SU–74 for refiners, or on Form SU–75 for other importers.

§ 817.12 *Delegation of authority.* The Director, or Deputy Director, of the Sugar Division, or the Chief or Acting Chief of the Quota and Allotment Branch thereof, Commodity Stabilization Service of the Department, is hereby authorized to act for and on behalf of the Secretary in administering §§ 817.1 through 817.11, except for the issuance of notices provided for in paragraph (d) of § 817.8.

Regulations superseded. Sections 817.1 through 817.12 supersede §§ 818.1 through 818.6 of this subchapter (16 F. R. 11951) and §§ 819.1 through 819.3 of this subchapter (13 F. R. 2063 redesignated at 14 F. R. 466 and 19 F. R. 396).

NOTE: All reporting requirements of these regulations have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of, the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

Issued at Washington, D. C., this 28th day of January 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58–777; Filed, Jan. 31, 1958; 8:50 a. m.]

Subchapter E—Determination of Sugar Commercially Recoverable

PART 833—MAINLAND CANE SUGAR AREA

1957 CROP

Pursuant to the provisions of section 302 (a) of the Sugar Act of 1948, as amended (hereinafter referred to as "act"), the following determination is hereby issued:

§ 833.4 *Sugar commercially recoverable from sugarcane in the mainland cane sugar area*—(a) *Definitions.* For the purpose of this section, the terms:

(1) "Trash" means green or dried leaves, sugarcane tops, dirt and all other extraneous material.

(2) "Gross weight" means the total weight (short tons) of sugarcane, including trash, as delivered by a producer for processing for sugar production.

(3) "Net weight" means: (i) In Louisiana, the weight obtained by deducting from gross weight, the weight of trash in the sugarcane, as determined by the processor, and (ii) in Florida, 96.0 percent of gross weight.

(b) *Recoverable sugar.* For the 1957 crop of sugarcane, the amount of sugar, raw value, commercially recoverable from sugarcane grown on a farm in the mainland cane sugar area and marketed (or processed by the producer) for the extraction of sugar or liquid sugar, from an acreage not in excess of the proportionate share for the farm, shall be obtained by multiplying the net weight of the sugarcane by the hundredweight of sugar specified for the average percentage of sucrose in the normal juice of such sugarcane as follows:

(1) *For farms in Louisiana.*

Percentage of sucrose in normal juice: [1]	*Hundredweight of sugar*
8.0	0.955
9.0	1.111
10.0	1.270
11.0	1.435
12.0	1.603
13.0	1.774
14.0	1.944
15.0	2.111
16.0	2.281
17.0	2.447
18.0	2.610

[1] Sugar recoverable for the intervening tenths of 1 percent shall be calculated by interpolation.

(2) *For farms in Florida.*

Percentage of sucrose in normal juice: [1]	*Hundredweight of sugar*
8.0	0.948
9.0	1.122
10.0	1.327
11.0	1.510
12.0	1.680
13.0	1.846
14.0	2.011
15.0	2.179
16.0	2.350
17.0	2.525
18.0	2.702

[1] Sugar recoverable for the intervening tenths of 1 percent shall be calculated by interpolation.

Statement of bases and considerations. Determinations of amounts of sugar commercially recoverable from sugar beets and sugarcane are required under section 302 (a) of the act to establish the amounts of sugar upon which payments are to be made pursuant to the act.

The rates of sugar commercially recoverable at the various normal juice sucrose levels, as specified in this determination, were calculated from data reported to the Department by the processors of sugarcane for sugar in each of the States of Florida and Louisiana. In instances where the data for Florida were reported in terms of gross weight, adjustments were made to reflect "net weight" of sugarcane as defined in this determination. The calculation made use of data representing averages in each State for the crop years 1952, 1953, 1954, 1955, and 1956 of each of the factors of normal juice extraction (the quantity of normal juice extracted per ton of sugarcane), boiling house efficiency (the ratio of the amount of sugar produced to the amount that could theoretically be produced), the polarization of the sugar produced, and net sugarcane as a percent of gross sugarcane. The calculation also used the purity or retention factor which correlates purity of normal juice with sugar recovery based on the well-established Winter-Carp formula. That formula is expressed mathematically as follows: Purity or Retention Factor$=(1.4-40/P)$ in which P is purity of normal juice. For the purposes of this determination, the computed purity at each of the various normal juice sucrose levels for the crop years 1954, 1955, and 1956 was used.

In calculating sugar, commercially recoverable, the data are used in the following manner: The product of normal juice extraction and boiling house efficiency is divided by the product of the polarization of sugar produced and net sugarcane as a percent of gross sugarcane. The result so obtained is multiplied by 2,000 to obtain a factor which when multiplied by normal juice sucrose and the purity or retention factor for that normal juice sucrose gives pounds of sugar per ton of net sugarcane. By use of the applicable raw value conversion factor, in accordance with section 101 (h) of the Sugar Act, pounds of sugar per ton of net sugarcane are converted into sugar, commercially recoverable, raw value. Expressed mathematically the formula reads:

$$\text{CRS., RV.} = \frac{\text{N.J.E.} \times \text{B.H.E.} \times 2{,}000 \times \text{N.J.S.} \times \text{P.R.} \times \text{R.V.C.F.}}{(\text{Pol. of sugar}) \times (\text{net sugarcane, \% gross sugarcane})}$$

Except for the use of more current data for the purity factor, the inclusion of a raw value conversion factor, and the appropriate changes in the moving five-year averages, the aforestated calculation is the same as that used for previous

crops. Under present plans, determinations for future crops will be issued annually upon similar bases.

Accordingly, I hereby find and conclude that the aforestated determination will effectuate the applicable provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies secs. 302, 303, 304; 61 Stat. 930, as amended, 931; 7 U. S. C. 1132, 1133, 1134)

Issued this 28th day of January 1958.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 58-776; Filed, Jan. 31, 1958; 8:49 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 133]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.433 *Navel Orange Regulation 133*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 30, 1958.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., February 2, 1958, and ending at 12:01 a. m., P. s. t., February 9, 1958, are hereby fixed as follows:

(i) District 1: 554,400 cartons;
(ii) District 2: 277,200 cartons;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: January 31, 1958.

[SEAL] FLOYD F. HEDLUND, *Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 58-842; Filed, Jan. 31, 1958; 11:26 a. m.]

[Grapefruit Reg. 281]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.895 *Grapefruit Regulation 281*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933; 22 F. R. 8511), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 28, 1958, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (chapters 25149 and 28090) and also by section 601.18, as amended June 2, 1955 (chapter 29760).

(2) During the period beginning at 12:01 a. m., e. s. t., February 3, 1958, and ending at 12:01 a. m., e. s. t., February 17, 1958, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any seeded grapefruit, grown in the production area, which are not mature and do not grade at least U. S. No. 1 Bronze;

(ii) Any seeded grapefruit, grown in the production area, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iii) Any white seedless grapefruit, grown in Regulation Area I, which are not mature and do not grade at least U. S. No. 1 Bronze;

(iv) Any pink seedless grapefruit, grown in Regulation Area I, which are not mature and do not grade at least U. S. No. 2;

(v) Any seedless grapefruit, grown in Regulation Area II, which are not mature and do not grade at least U. S. No. 1 Russet: *Provided,* That any grapefruit which grade U. S. No. 2 Russet, U. S. No. 2 or U. S. No. 2 Bright, may be shipped if such grapefruit meets the requirements as to form (shape) and color specified in the U. S. No. 1 grade;

(vi) Any white seedless grapefruit, grown in the production area, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(vii) Any pink seedless grapefruit, grown in the production area, which are of a size smaller than a size that will pack 112 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: January 29, 1958.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-793; Filed, Jan. 31, 1958; 8:52 a. m.]

[Orange Reg. 334]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES AND TANGELOS GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.396 *Orange Regulation 334*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933; 22 F. R. 8511), regulating the handling of oranges, grapefruit, tangerines and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, including Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, including Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 28, 1958, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, including Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the amended United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title; 22 F. R. 6676).

(2) During the period beginning at 12:01 a. m., e. s. t., February 3, 1958, and ending at 12:01 a. m., e. s. t., February 17, 1958, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico;

(i) Any oranges, except Temple oranges, grown in the production area, which do not grade at least U. S. No. 2;

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than 2$\frac{6}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the amended United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title; 22 F. R. 6676): *Provided,* That in determining the percentage of oranges in any lot which are smaller than 2$\frac{6}{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2$\frac{12}{16}$ inches in diameter and smaller;

(iii) Any Temple oranges, grown in the production area, which do not grade at least U. S. No. 2 Russet; or

(iv) Any Temple oranges, grown in the production area, which are of a size smaller than 2$\frac{6}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title; 22 F. R. 6676).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: January 29, 1958.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-794; Filed, Jan. 31, 1958; 8:53 a. m.]

[Tangelo Reg. 6]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.897 *Tangelo Regulation 6*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933; 22 F. R. 8511), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangelos, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for

making the provisions hereof effective as hereinafter set forth. Shipments of tangelos, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 28, 1958, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangelos; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangelos, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the amended United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title; 22 F. R. 6676).

(2) During the period beginning at 12:01 a. m., e. s. t., February 3, 1958, and ending at 12:01 a. m., e. s. t., July 31, 1958, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangelos, grown in the production area, which do not grade at least U. S. No. 2 Russet; or

(ii) Any tangelos, grown in the production area, which are of a size smaller than 2 2/16 inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title; 22 F. R. 6676).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: January 29, 1958.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-795; Filed, Jan. 31, 1958; 8:53 a. m.]

[Lemon Reg. 724]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.831 *Lemon Regulation 724*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based becomes available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 29, 1958.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., February 2, 1958, and ending at 12:01 a. m., P. s. t., February 9, 1958, are hereby fixed as follows:

(i) District 1: 13,950 cartons;

(ii) District 2: 172,050 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: January 30, 1958.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-833; Filed, Jan. 31, 1958; 9:32 a. m.]

PART 995—MILK IN NORTH CENTRAL OHIO MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and of the order, as amended, (7 CFR Part 995), regulating the handling of milk in the North Central Ohio marketing area, hereinafter referred to as the "order", it is hereby found and determined that:

(a) The following provisions of § 995.43 (d) do not tend to effectuate the declared policy of the act:

(1) The monthly average number of pounds assigned to such supply plant as Class I milk from such distributing plant during the preceding period September through December, inclusive;

(2) An amount computed as follows: Determine the percentage which the volume of Class I milk described under subparagraph (1) of this paragraph bears to the monthly average pounds of Class I milk at such distributing plant for the preceding period September through December, inclusive, and multiply the total Class I milk at such distributing plant for the current month by such percentage and (3).

(b) Notice of proposed rule making, public procedure thereon and 30 days notice of the effective date hereof, are found to be impracticable, unnecessary and contrary to the public interest in that:

(1) The information on which this action is based is the record of a public hearing held at Lima, Ohio, January 7, 1958, at which evidence was received on proposed amendments to the provisions herein suspended;

(2) Time does not permit the detailed analysis of this record and public procedure incident to an appropriate amendment of the order to be effective by February 1, 1958;

(3) Request for emergency action was made on the record of hearing by the proponent handler and concurred in by other interested parties including producer organizations representing a substantial majority of the producers whose milk is regulated and from whom testimony was received at the hearing;

(4) It is found necessary to issue and make effective this suspension order to

reflect current marketing conditions and to facilitate, promote and maintain orderly marketing conditions in the marketing area; and

(5) The effect of this action does not change the financial obligation of handlers and does not require of persons affected substantial or extensive preparation prior to its effective date.

Therefore, good cause exists for making this suspension order effective February 1, 1958.

It is therefore ordered, That the following provisions of § 995.43 (d) of the order be and hereby are suspended:

(1) The monthly average number of pounds assigned to such supply plant as Class I milk from such distributing plant during the preceding period September through December, inclusive;

(2) An amount computed as follows: Determine the percentage which the volume of Class I milk described under subparagraph (1) of this paragraph bears to the monthly average pounds of Class I milk at such distributing plant for the preceding period September through December, inclusive, and multiply the total Class I milk at such distributing plant for the current month by such percentage; and (3).

(Sec. 6, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 28th day of January 1958, to be effective on February 1, 1958.

[SEAL] DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 58-775; Filed, Jan. 31, 1958; 8:49 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54524]

PART 1—CUSTOMS DISTRICTS, PORTS, AND STATIONS

EXTENSION OF LIMITS OF CUSTOMS PORT OF LOS ANGELES, CALIF.

JANUARY 23, 1958.

By virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U. S. C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR, 1951 Supp., Ch. II), the limits of the customs port of entry of Los Angeles, California, the headquarters port of Customs Collection District No. 27 (Los Angeles), comprising the territory within the corporate limits of that city (which includes San Pedro and Wilmington, California), and the territory within the corporate limits of Long Beach and El Segundo, California, are hereby extended to include the territory embracing that portion of Los Angeles County, State of California, lying east of the corporate limits of Los Angeles, bounded on the north by Whittier Boulevard, on the east by Rosemead Boulevard, and on the south by Firestone Boulevard, effective on the date of publication of this Treasury decision in the FEDERAL REGISTER.

Section 1.1 (c), Customs Regulations, is amended by changing the period to a semicolon after the parenthetical matter opposite "*Los Angeles" in the column headed "Ports of entry" in District No. 27 (Los Angeles), and by adding "(also, including territory described in T. D. 54524)" after the semicolon.

(R. S. 161; 5 U. S. C. 22, Interprets or applies sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended; 19 U. S. C. 2)

[SEAL] A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F. R. Doc. 58-789; Filed, Jan. 31, 1958; 8:52 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter A—Meat Inspection Regulations

PART 18—REINSPECTION AND PREPARATION OF PRODUCTS

PRESERVATIVES AND OTHER SUBSTANCES PERMITTED IN PRODUCT FOR EXPORT ONLY

On November 22, 1957, there was published in the FEDERAL REGISTER (22 F. R. 9366) a notice of proposed amendment of the Meat Inspection Regulations (9 CFR 18.8, as amended). After due consideration of all relevant matters submitted in connection with the notice, and pursuant to the authority conferred by the Meat Inspection Act, as amended and extended (21 U. S. C. 71-96) the aforesaid regulation is hereby amended as follows:

1. Section 18.8 is amended by changing the heading and paragraphs (a) and (b) of said section to read:

§ 18.8 *Preservatives and other substances permitted in product for export only; handling; such product not to be used for domestic food purposes.* (a) Preservatives and other substances not otherwise permitted in Parts 1 through 29 of this subchapter may be used in the preparation and packing of product intended for export provided the product (1) accords to the specifications of the foreign purchaser, (2) is not in conflict with the laws of the country to which it is intended for export, and (3) is labeled on the outside of the shipping container to show that it is intended for export, and is otherwise labeled as required by Parts 1 through 29 of this chapter for such export product.

(b) The preparation and packing of export product as provided for in paragraph (a) of this section shall be done in a manner acceptable to the inspector in charge so that the identity of the export product is maintained conclusively and the preparation of domestic product is adequately protected. The preservative or other substances not permitted in domestic product shall be stored in a room or compartment separate from areas used to store other supplies and shall be held under Division lock. Use of the preservative or other substances shall be under the personal supervision of a Division employee.

2. Section 18.8 is further amended by deleting from paragraph (c) the phrase "and (b)" and the letter "s" in the word "paragraphs", by deleting from paragraph (d) and the first sentence in paragraph (e) the phrase "or (b)", and by changing the phrase "paragraph (a) or (b) and paragraph (c)" appearing in the second sentence in paragraph (e) to read "paragraphs (b) and (c)".

The foregoing amendments to the Meat Inspection Regulations will allow for the manufacture of a meat food product with ingredients satisfactory to the foreign country for which the product is intended, although such ingredients may not be cleared for use in the manufacture of products for domestic use. The amendments of § 18.8 (c), (d) and (e) are merely formal in nature and are incidental to the amendment proposed in the notice of rule making. Therefore it is found upon good cause under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that notice and other public procedure thereon are impracticable and unnecessary. Since the amendments relieve restrictions or are formal in nature, under section 4 of the Administrative Procedure Act, good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

(Ch. 2907, 34 Stat. 1264, sec. 306, 46 Stat. 689; 19 U. S. C. 1306, 21 U. S. C. 89)

The amendments shall become effective on February 1, 1958.

Done at Washington, D. C. this 29th day of January 1958.

[SEAL] M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[F. R. Doc. 58-798; Filed, Jan. 31, 1958; 8:54 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter V—Bureau of Employment Security, Department of Labor

PART 609—REGULATIONS TO IMPLEMENT TITLE XV OF THE SOCIAL SECURITY ACT, AS AMENDED; RESPONSIBILITIES OF FEDERAL AGENCIES

PART 610—REGULATIONS TO IMPLEMENT TITLE XV OF THE SOCIAL SECURITY ACT, AS AMENDED; RESPONSIBILITIES OF STATE EMPLOYMENT SECURITY AGENCIES

OFFICIAL STATION

The purpose of this amendment is to redefine the term "official station" as used in Title XV of the Social Security Act, as amended, in order to provide for the use by Federal agencies of Standard Form 50, Notification of Personnel Action, as revised July 1957. This amendment is made necessary because of a change in this form by the Civil Service Commission. As the use of the revised form has been made optional until July 1, 1958, the amendment has been so framed as to be equally applicable to the use of either the new or the old form by the Federal agency. Since this change is of a procedural nature, there is no necessity for a delayed effective date.

Pursuant to the authority vested in me by section 1509, Title XV of the Social Security Act, as amended (68 Stat. 1130; 42 U. S. C. A. 1361, et seq.), effective upon publication in the FEDERAL REGISTER, Title 20 of the Code of Federal Regulations is amended as follows:

1. Section 609.1 (e) of Part 609 is amended to read:

(e) "Official station" means the State (or country if outside the United States) designated on the Federal employee's notification of personnel action terminating his Federal service (Standard Form 50 or its equivalent) as his "duty station". If no "duty station" is specified, the individual's "official station" shall be his "headquarters" (Item No. 11, Standard Form 50, Revised April 1951), or "name and location of office by which employed" (Item No. 10, Standard Form 50, Revised July 1957). If the notification of personnel action is by a form other than Standard Form 50, and the form does not specify any of the above, his "official station" shall be the location (State or country) shown on the form as his place of employment.

2. Section 610.1 (g) of Part 610 is amended to read:

(g) "Official station" means the State (or country if outside the United States) designated on the Federal employee's notification of personnel action terminating his Federal Service (Standard Form 50 or its equivalent) as his "duty station". If no "duty station" is specified, the individual's "official station" shall be his "headquarters" (Item No. 11, Standard Form 50, Revised April 1951), or "name and location of office by which employed" (Item No. 10, Standard Form 50, Revised July 1957). If the notification of personnel action is by a form other than Standard Form 50, and the form does not specify any of the above, his "official station" shall be the location (State or country) shown on the form as his place of employment.

(Sec. 1509, 68 Stat. 1135; 42 U. S. C. 1369)

Signed at Washington, D. C., this 25th day of January 1958.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 58-807; Filed, Jan. 31, 1958; 10:07 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XVIII—National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order No. 62 (AGE-7, Amdt. 6)]

AGE-7—AUTHORITY OF GENERAL AGENTS TO PROVIDE FOR AMERICAN MERCHANT MARINE LIBRARY SERVICE

GENERAL AGENTS' AUTHORITY; FORM OF AGREEMENT; PERIOD OF AGREEMENT

It is hereby ordered that NSA Order No. 62-(AGE-7) be further amended as follows:

1. Section 2 *General Agents' authority; form of agreement* is hereby amended by deleting the first sentence of article 7 thereof and substituting therefor the following new sentence: "The Agreement shall be in effect for the calendar years 1951 through 1958."

2. Section 4 *Period of the agreement* is hereby amended by deleting the first sentence thereof and substituting therefor the following new sentence: "The Agreement shall be in effect for the calendar years 1951 through 1958."

(Sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114)

Approved: January 24, 1958.

WALTER C. FORD,
Deputy Maritime Administrator.

[F. R. Doc. 58-784; Filed, Jan. 31, 1958; 8:51 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 6—UNITED STATES GOVERNMENT LIFE INSURANCE

PART 8—NATIONAL SERVICE LIFE INSURANCE

MISCELLANEOUS AMENDMENTS

1. In Part 6, paragraph (a) of § 6.20 is amended to read as follows:

§ 6.20 *Deduction of insurance premiums from compensation, retirement pay, or pension.* * * *

(a) The authorization must be in writing over the signature of the insured, or his legal representative, and, whenever practicable on such forms as may be prescribed by the Veterans Administration. If insured is incompetent and has no legal representative and has a wife to whom benefits are being paid pursuant to section 1502 (e), Public Law 85-56 and § 13.201 of this chapter, she may authorize payment of insurance premiums through the deduction system. If insured is incompetent and has no legal representative and an institutional award has been made in his behalf, the authorization may be executed by the Manager of the field station in which the insured is hospitalized or receiving domiciliary care, and, in appropriate cases, by the chief officers of State hospitals or other institutions to whom similar awards may have been approved.

(Sec. 1502, 71 Stat. 137; 38 U. S. C. 3502)

2. Section 6.62 is revised to read as follows:

§ 6.62 *Assignment, claims of creditors and taxation.* (a) The proceeds of a United States Government insurance policy shall not be assignable, except that any person to whom this insurance shall be payable may assign his interest in this insurance to any other beneficiary within the class permitted by the World War Veterans' Act or any amendments or supplements thereto. No such assignment of a United States Government life insurance policy shall be binding upon the United States unless in writing and until filed in the Veterans Administration, Washington, D. C. The United States assumes no responsibilty for the validity of any assignment.

(b) Payments of United States Government life insurance as such are exempt from taxation, but such exemption does not extend to any property purchased in part or wholly out of such payments. Payments of insurance to a beneficiary under a United States Government life insurance policy are exempt from claims of creditors, and are not liable to attachment, levy, or seizure by or under any legal or equitable process whatever, either before or after receipt by the beneficiary.

(c) The exemption shall apply against the United States or any agency thereof: *Provided,* That the United States shall be entitled to collect by setoff or otherwise out of benefits, payable to any beneficiary under a United States Government life insurance policy, the amount of any indebtedness due the United States by such beneficiary because of overpayments or illegal payments made to such beneficiary under laws administered by the Veterans Administration: *Provided further,* That in the settlement of any claim under a United States Government life insurance policy, the United States shall be entitled to deduct the amount of unpaid premiums, or loans, or interest on such premiums or loans; or indebtedness arising from overpayments of dividends, refunds, loans, or other insurance benefits; or any other indebtedness existing under the particular insurance contract.

(d) Effective January 1, 1958, payments of insurance to a beneficiary under a United States Government life insurance policy shall be subject to levy for taxes due the United States by such beneficiary (sec. 1001 (c), Public Law 85-56).

(Sec. 1001, 71 Stat. 122; 38 U. S. C. 3001) (Sec. 210, 71 Stat. 91; 38 U. S. C. 2210. Interpret or apply secs. 300, 301, 43 Stat. 624, as amended; 38 U. S. C. 511, 512)

3. In Part 8, paragraph (a) of § 8.8 is amended to read as follows:

§ 8.8 *Deduction of insurance premiums from compensation, retirement pay, or pension.* * * *

(a) The authorization must be in writing over the signature of the insured, or his legal representative, and, whenever practicable, on such forms as may be prescribed by the Veterans Administration. If insured is incompetent and has no legal representative and has a wife to whom benefits are being paid pursuant to section 1502 (e), Public Law 85-56 and § 13.201 of this chapter, she may authorize payment of insurance premiums through the deduction system. If insured is incompetent and has no legal representative and an institutional award has been made in his behalf, the authorization may be executed by the Manager of the field station in which the insured is hospitalized or receiving domiciliary care, and in appropriate cases by the chief officers of State hospitals or other institutions to whom similar awards may have been approved.

(Sec. 1502, 71 Stat. 137; 38 U. S. C. 3502)

4. In § 8.26, paragraph (f) is amended to read as follows:

§ 8.26 *How paid.* * * *

(f) Dividend credit of the insured held for payment of premiums as provided in Public Law 36, 82d Congress, may not be used to satisfy any indebtedness due the United States without the insured's consent. If the insured requests payment of such dividend credit, or any unused portion thereof, in cash, or requests that such credit be left to accumulate on deposit, as provided in paragraph (g) of this section, then any indebtedness due the United States, such as described in § 8.60, will be recovered therefrom.

5. In § 8.60, a new paragraph (c) is added to read as follows:

§ 8.60 *Taxation and exemption.* * * *

(c) Effective January 1, 1958, payments of insurance to a beneficiary under a National Service life insurance policy shall be subject to levy for taxes due the United States by such beneficiary (sec. 1001 (c), Public Law 85-56.

(Sec. 1001, 71 Stat. 122; 38 U. S. C. 3001) (Sec. 608, 54 Stat. 1012, as amended, sec. 210, 71 Stat. 91; 38 U. S. C. 808, 2210)

This regulation is effective January 1, 1958.

[SEAL] SUMNER G. WHITTIER, *Administrator.*

[F. R. Doc. 58-783; Filed, Jan. 31, 1958; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 904, 934, 996, 999]

[Docket Nos. AO-14-A26, AO-83-A22, AO-203-A8, AO-204-A8]

MILK IN GREATER BOSTON, MERRIMACK VALLEY, SPRINGFIELD, AND WORCESTER, MASSACHUSETTS, MARKETING AREAS

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENTS AND TO ORDERS

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held in Boston, Massachusetts on January 21, 1958 pursuant to notice thereof issued on January 14, 1958 (23 F. R. 327; F. R. Doc. 58-384).

The material issues on the record of the hearing related to:

1. The revision of certain definitions contained in the several orders to include as outside milk, surplus milk from unregulated markets which is transferred or diverted to pool plants primarily for manufacturing uses.

2. The need for emergency action in effecting the proposed order changes.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The provisions of the Boston and secondary market orders should be revised to permit regulated pool plants under the respective orders to receive and process as outside milk, not qualified to share in the marketwide pool, milk associated and identified with outside unregulated markets which milk is excess to the fluid needs of such outside markets.

Under the existing order provisions such milk which moves through unregulated plants to regulated plants is considered outside milk and is assigned to Class II under the several orders. However, such milk moving directly from farms to pool plants in the Boston or secondary market orders, except under certain specified conditions during the flush months, is included as producer milk even though such milk is contracted for and is under the control of the unregulated handler.

Virtually all of the milk in the New England area is qualified for fluid disposition in the Boston and secondary markets under Federal regulation. In recognition of this situation the pooling requirements under the Boston order have been so constructed that any plant desiring to qualify for pooling need meet only very nominal shipping requirements to establish its association with the pool. Under the existing market structure virtually all of the manufacturing facilities in the area for handling excess milk have associated with the Boston or secondary market orders. The only milk not pooled under these orders is milk which has a substantial Class I and hence a preferential outlet in an unregulated market. Since dairy farmers can readily find a market under the Boston order and be assured of the Boston blended price, dairymen who have elected to ship to unregulated dealers can be presumed to be receiving at least the Boston blend for all of their milk. Similarly, it can be presumed that any dealer who does not have a preferential Class I market in an unregulated area is associated with the Boston pool.

Before the introduction of the bulk farm tank, milk necessarily moved to receiving stations for assembly in loads for transfer to its ultimate destination. Recent rapid developments in the handling of milk through farm bulk tanks have substantially changed the pattern of movement of milk from the farm to the plant of ultimate disposition. Milk which formerly moved to receiving plants and thence to packaging plants and, in the case of milk excess to Class I needs, to manufacturing plants, now would ordinarily move directly from the farm to the packaging or manufacturing plant.

Certain handlers operating manufacturing facilities in the regulated markets have customarily handled the excess of local unregulated markets. This practice has tended to facilitate the orderly marketing of milk throughout the milkshed. The advent of bulk tank handling has in no way changed the relationship of this outside milk with its normal market. However, because of the specific language of the orders it has been necessary that the market administrator require handlers to report all milk received directly from dairy farms at pool plants as producer milk, notwithstanding the fact that that milk which is normally disposed of in outside markets and which moves to regulated processing plants as surplus milk from such markets is not primarily associated with the regulated market and is not normally available for Class I use in the regulated market, if needed.

The existing situation is not desired by the dairy farmers, whose milk is involved and who receive at least the Boston blended price in their unregulated markets, and is not acceptable to regular producers in the regulated markets or to regulated handlers. Excess milk which is identified with local unregulated Class I markets and which is moved under the present order provisions with full producer status to the plants of regulated handlers either for manufacturing or Class I use tends to dilute the pool and hence, to lower the returns to regular producers and indirectly the returns to the dairy farmers for outside markets who are paid prices which are related to the Boston blend.

The regulated handler under usual circumstances has no knowledge of what dairy farmer's milk is involved in his purchases from unregulated handlers. Notwithstanding, he is required by the order to return the blended price for such milk. Since the regulated handler would normally negotiate for such milk with the unregulated handler at the Class II price, and the unregulated handler undoubtedly has a contractual arrangement with his dairy farmers, any benefits resulting from pooling would likely accrue to the unregulated handler and not to the dairy farmers whose milk is involved.

The substantial transition from can to bulk tank handling which has occurred in recent months coupled with a sharp change in the seasonal pattern of production, every-other-day and five-day delivery to consumers, a sharp trend from retail to wholesale business, and the five-day operation at milk plants has accentuated the problem of surplus disposition on the part of unregulated handlers.

In order to comply with the order provisions and still protect the integrity of the pool(s) regulated handlers who operate manufacturing facilities and who in the past have processed milk for unregulated dealers now refuse such milk

or require that it be transported to them through an unregulated plant and thereby establish its status as outside milk. This procedure forces uneconomic and unnecessary movements of milk and tends to promote market instability. The situation readily can be corrected if the milk involved is permitted to move as outside milk. This can be accomplished by modification of the "dairy farmer for other markets" definition to include (1) any dairy farmer whose milk is purchased from him by a dealer operating an unregulated plant but which milk moves to another dealer's regulated plant directly from the dairy farmer's farm and (2) any dairy farmer with respect to milk which is purchased from him by a dealer operating both a regulated and unregulated plant and moved to a regulated plant if the dealer caused milk from the same farm to move as nonpool milk to an unregulated plant during the same month. To implement the intent of this proposed change the "dealer" definition under each of the four orders should also be revised to include the operator of a receiving station which is neither a distributing nor manufacturing plant.

The problems of disposition of the seasonal excess will be substantially increased in the forthcoming flush production months. The changes hereinafter set forth will tend to alleviate these problems. They do not restrict the producer's ability to change from an unregulated to a regulated market at any time during the year nor to shift from one regulated handler to another. They do however restrict the ability of a handler operating an unregulated plant, or both a regulated and unregulated plant, to use the pool(s) to carry his outside market excess milk while still retaining control of the dairy farmers involved.

The proposed changes protect the integrity of the market pool and at the same time provide dealers and the entire milk industry in New England with the widest possible freedom to move milk between plants and between markets without creating an unintentional and undesired effect on the market pools.

2. The changes hereinafter set forth were supported by all of the cooperative associations representing producers serving the four markets and by handlers distributing more than 50 percent of milk in each of these markets. There was no opposing testimony at the hearing and all witnesses requested that the matter be handled on an emergency basis and that the recommended decision and opportunity to file written exceptions thereto be waived. The hearing officer gave all interested parties present opportunity to voice their objections to this procedure and there was no opposition.

Virtually all of the available manufacturing facilities in the New England area are regulated under one or the other of the Boston or three secondary market orders. Under the existing order language pool handlers are reluctant to handle any bulk milk from unregulated dealers because such milk, if moved directly from dairy farms, must be treated as producer milk. In order to avoid such eventuality and to protect the integrity of the pool(s), pool handlers now either refuse such milk or require uneconomic movements through unregulated plants before the milk is transferred to the processing plant. This situation seriously deters the orderly disposition of surplus milk in surrounding local unregulated markets and immediate remedial measures are necessary to assure the orderly disposition of present excess milk in the area and to permit handlers to make forward plans to assure the orderly disposition of the additional seasonal excess throughout the New England area during the forthcoming flush.

For these reasons, the due and timely execution of the functions of the Secretary imperatively and unavoidably require the omission of the recommended decision and opportunity to file exceptions thereto.

Rulings on proposed findings and conclusions. No briefs on proposed findings and conclusions were filed on behalf of interested parties.

General findings. (a) The tentative marketing agreements and the orders as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effecutate the declared policy of the act;

(b) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the prices of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, marketing agreements upon which a hearing has been held.

Marketing agreements and orders amending the orders, as amended. Annexed hereto and made a part hereof are separate marketing agreements and orders, amending the orders, regulating the handling of milk in the Greater Boston, Merrimack Valley, Springfield, and Worcester, Massachusetts, marketing areas, which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the marketing agreements, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreements are identical with those contained in the respective orders, as hereby proposed to be amended by the attached orders which will be published with this decision.

Determination of representative period. The month of December is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached orders amending the orders, regulating the handling of milk in the Greater Boston, Merrimack Valley, Springfield and Worcester, Massachusetts, marketing areas, are approved or favored by producers, as determined under the terms of the orders, as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing areas.

Issued at Washington, D. C., this 29th day of January 1958.

[SEAL] DON PAARLBERG,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Greater Boston, Massachusetts, Marketing Area

§ 904.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of the marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Greater Boston, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effec-

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, governing proceedings to formulate marketing agreements and marketing orders have been met.

tive date hereof, the handling of milk in the Greater Boston, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete the language of § 904.2 (d) of the Boston order and substitute the following:

(d) "Dairy farmer for other markets" means any of the types of dairy farmers described in subparagraphs (1), (2), and (3) of this paragraph:

(1) Any dairy farmer with respect to milk which is purchased from him by a dealer who does not operate any regulated plant during the month and which milk is moved to another dealer's regulated plant directly from the dairy farmer's farm;

(2) Any dairy farmer with respect to milk which is purchased from him by a dealer who operated both regulated and unregulated plants during the month and which milk is moved to a regulated plant, if that dealer caused milk from the same farm to be moved as nonpool milk to an unregulated plant during the same month;

(3) Any dairy farmer whose milk is received by a handler at a pool plant during April, May, or June from a farm from which the handler received nonpool milk during any of the preceding months of July through March, except that the term shall not include any person who was a producer-handler during any of the preceding months of July through March;

(4) As used in this paragraph, the terms "handler" and "dealer" include affiliates of, and persons who control or are controlled by, the handler or dealer.

2. Delete the language of § 904.2 (k) of the Boston order and substitute the following:

(k) "Dealer" means any person who operates a plant at which he engages in the business of receiving fluid milk products for resale or manufacture into milk products, whether or not he disposes of any fluid milk products in the marketing area.

Order[1] Amending the Order Regulating the Handling of Milk in the Merrimack Valley, Massachusetts, Marketing Area

§ 934.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of the marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Merrimack Valley, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Merrimack Valley, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete the language of § 934.2 (d) of the Merrimack Valley order and substitute the following:

(d) "Dairy farmer for other markets" means any of the types of dairy farmers described in subparagraphs (1), (2), and (3) of this paragraph:

(1) Any dairy farmer with respect to milk which is purchased from him by a dealer who does not operate any regulated plant during the month and which milk is moved to another dealer's regulated plant directly from the dairy farmer's farm;

(2) Any dairy farmer with respect to milk which is purchased from him by a dealer who operated both regulated and unregulated plants during the month and which milk is moved to a regulated plant, if that dealer caused milk from the same farm to be moved as nonpool milk to an unregulated plant during the same month;

(3) Any dairy farmer whose milk is received by a handler at a pool plant during the months of March through September from a farm from which the handler received nonpool milk during any of the preceding months of October through February, except that the term shall not include any person who was a producer-handler during any of the preceding months of October through February, nor any dairy farmer from whom the handler received nonpool milk during such months of October through February only at a plant which met all the applicable requirements for pool plant status under this part in those months except that it was a pool plant under the Boston, Worcester, or Springfield orders;

(4) As used in this paragraph, the terms "handler" and "dealer" include affiliates of, and persons who control or are controlled by, the handler or dealer.

2. Delete the language of § 934.2 (k) of the Merrimack Valley order and substitute the following:

(k) "Dealer" means any person who operates a plant at which he engages in the business of receiving fluid milk products for resale or manufacture into milk products, whether or not he disposes of any fluid milk products in the marketing area.

Order[1] Amending the Order Regulating the Handling of Milk in the Springfield, Massachusetts, Marketing Area

§ 996.0 *Findings and determintions.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of the marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Springfield, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, governing proceedings to formulate marketing agreements and marketing orders have been met.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Springfield, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete the language of § 996.2 (d) of the Springfield order and substitute the following:

(d) "Dairy farmer for other markets" means any of the types of dairy farmers described in subparagraphs (1), (2), and (3) of this paragraph:

(1) Any dairy farmer with respect to milk which is purchased from him by a dealer who does not operate any regulated plant during the month and which milk is moved to another dealer's regulated plant directly from the dairy farmer's farm;

(2) Any dairy farmer with respect to milk which is purchased from him by a dealer who operated both regulated and unregulated plants during the month and which milk is moved to a regulated plant, if that dealer caused milk from the same farm to be moved as nonpool milk to an unregulated plant during the same month;

(3) Any dairy farmer whose milk is received by a handler at a pool plant during the months of March through September from a farm from which the handler received nonpool milk during any of the preceding months of October through February, except that the term shall not include any person who was a producer-handler during any of the preceding months of October through February, nor any dairy farmer from whom the handler received nonpool milk during such months of October through February only at a plant which met all the applicable requirements for pool plant status under this part in those months except that it was a pool plant under the Boston, Merrimack Valley, or Worcester orders;

(4) As used in this paragraph, the terms "handler" and "dealer" include affiliates of, and persons who control or are controlled by, the handler or dealer.

2. Delete the language of § 996.2 (k) of the Springfield order and substitute the following:

(k) "Dealer" means any person who operates a plant at which he engages in the business of receiving fluid milk products for resale or manufacture into milk products, whether or not he disposes of any fluid milk products in the marketing area.

Order[1] *Amending the Order Regulating the Handling of Milk in the Worcester, Massachusetts, Marketing Area*

§ 999.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of the marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Worcester, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Worcester, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete the language of § 999.2 (d) of the Worcester order and substitute the following:

(d) "Dairy farmer for other markets" means any of the types of dairy farmers described in subparagraphs (1), (2), and (3) of this paragraph:

(1) Any dairy farmer with respect to milk which is purchased from him by a dealer who does not operate any regulated plant during the month and which milk is moved to another dealer's regulated plant directly from the dairy farmer's farm;

(2) Any dairy farmer with respect to milk which is purchased from him by a dealer who operated both regulated and unregulated plants during the month and which milk is moved to a regulated plant, if that dealer caused milk from the same farm to be moved as nonpool milk to an unregulated plant during the same month;

(3) Any dairy farmer whose milk is received by a handler at a pool plant during the months of March through September from a farm from which the handler received nonpool milk during any of the preceding months of October through February, except that the term shall not include any person who was a producer-handler during any of the preceding months of October through February, nor any dairy farmer from whom the handler received nonpool milk during such months of October through February only at a plant which met all the applicable requirements for pool plant status under this part in those months except that it was a pool plant under the Boston order;

(4) As used in this paragraph, the terms "handler" and "dealer" include affiliates of, and persons who control or are controlled by, the handler or dealer.

2. Delete the language of § 999.2 (k) of the Worcester order and substitute the following:

(k) "Dealer" means any person who operates a plant at which he engages in the business of receiving fluid milk products for resale or manufacture into milk products, whether or not he disposes of any fluid milk products in the marketing area.

[F. R. Doc. 58-796; Filed, Jan. 31, 1958; 8:53 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, governing proceedings to formulate marketing agreements and marketing orders have been met.

Commodity Stabilization Service

[7 CFR Part 725]

Fire-Cured Tobacco and Dark Air-Cured Tobacco

Notice of Referenda

Notice is hereby given that on February 18, 1958, referenda will be held of farmers engaged in the production in 1957 of fire-cured tobacco and dark air-cured tobacco pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended. Notice that consideration would be given to establishing a date for holding the referenda was given in 22 F. R. 8187. The purpose of each referendum is to determine whether the farmers voting favor national marketing quotas for each of the 1958-59, 1959-60 and 1960-61 marketing years for such respective kinds of tobacco. The referenda will be conducted in accordance with the provisions of the act and the Regulations Governing the Holding of Referenda on Marketing Quotas (21 F. R. 3960, 4799, 8793; 22 F. R. 2982, 9250).

In order that arrangements for holding the referenda may be made in an orderly manner and as much advance notice as possible be given of the date of the referenda, it is essential that this notice be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest and this notice shall be effective upon filing of this document with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 29th day of January 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 58-820; Filed, Jan. 30, 1958; 3:05 p. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 607]

JEWELRY MANUFACTURING INDUSTRY, HOMEWORKER REGULATIONS

NOTICE OF PROPOSED RULE MAKING

Part 607 of the regulations under the Fair Labor Standards Act of 1938 pertains to the employment of industrial homeworkers in the jewelry manufacturing industry. The jewelry manufacturing industry is defined in § 607.1 (d) of the regulations to include among other activities "The manufacturing, cutting, polishing, encrusting, engraving and setting of precious, semiprecious, synthetic and imitation stones."

It has been found administratively desirable to clarify this portion of the industry definition to make it clear that it does not include the setting of such stones in articles made of glass and commonly known as crystal giftware. Such articles are not made in the jewelry manufacturing industry and are not considered to be jewelry.

Pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165), General Orders Nos. 45-A (15 F. R. 3290) and 35-A (22 F. R. 7614) of the Secretary of Labor, and in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003), the Acting Administrator proposes to amend § 607.1 (d) (2) of Part 607, Subchapter A, Title 29, Code of Federal Regulations to read as follows:

(2) The manufacturing, cutting, polishing, encrusting, engraving, and setting of precious, semiprecious, synthetic, and imitation stones. However, the setting of such stones in non-jewelry articles made of glass and known as crystal giftware, such as ornamental bowls, ash trays, and cigarette boxes shall not be included.

Interested persons may submit their views and arguments in writing to Clarence T. Lundquist, Acting Administrator, Wage and Hour and Public Contracts Divisions, United States Department of Labor, 14th Street and Constitution Avenue, Washington 25, D. C., by the 16th day of February 1958.

Signed at Washington, D. C., this 28th day of January 1958.

CLARENCE T. LUNDQUIST,
Acting Administrator.

[F. R. Doc. 58-790; Filed, Jan. 31, 1958; 8:52 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. 9053]

LINEA EXPRESA BOLIVAR COMPANIA ANONIMA

NOTICE OF HEARING

In the matter of the denial of further foreign civil aircraft flight permits to Linea Expresa Bolivar Compania Anonima pursuant to section 6 (b) of the Air Commerce Act of 1926, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on February 18, 1958, at 10:00 a. m., e. s. t., in Room 209, Post Office and Courthouse Building, 300 Northeast First Avenue, Miami, Florida, before Examiner William F. Cusick.

Dated at Washington, D. C., January 27, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-791; Filed, Jan. 31, 1958; 8:52 a. m.]

[Docket No. 9229]

INI & CIA, S. A., AEROLINEAS

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of INI & CIA, S. A. Aerolineas for a foreign air carrier permit to operate under section 402 of the Civil Aeronautics Act of 1938, as amended, between Buenos Aires, Argentina, and Miami, Florida, via intermediate points.

Notice is hereby given that a prehearing conference in the above-entitled application is assigned to be held on February 4, 1958, at 10:00 a. m., e. s. t., in Room 1417, Temporary Building No. 4, 17th Street and Constitution Avenue NW., Washington, D. C., before Examiner Ferdinand D. Moran.

Dated at Washington, D. C., January 28, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-792; Filed, Jan. 31, 1958; 8:52 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Sacramento 047525]

CALIFORNIA

ORDER OPENING LANDS TO MINERAL LOCATION, ENTRY AND PATENT

JANUARY 23, 1958.

1. Under authority of the act of April 23, 1932 (47 Stat. 136; 43 U. S. C. 154), and the regulations thereunder contained in 43 CFR 185.36, and in accordance with the authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office, dated November 19, 1954 (19 F. R. 7697), it is ordered as follows:

2. Subject to valid existing rights, and the provisions of existing withdrawals, and to the provision of section 24 of the Federal Power Act, the following described lands shall, commencing at 10:00 a. m., local time February 28, 1958, be open to location, entry and patenting under the United States Mining Laws, subject to the stipulation quoted below, to be executed and acknowledged in favor of the United States by the locators, for themselves, their heirs, successors and assigns, and recorded in the County records and in the United States Land Office at Sacramento, California, before any rights attached thereto:

MOUNT DIABLO MERIDIAN

T. 9 N., R. 10 E.,
Sec. 26, E½NE¼.

The areas described total 80 acres of public lands.

Stipulation: There is reserved to the United States, its successors and assigns, the prior right to use any of the lands herein described to construct, operate and maintain dams, dikes, reservoirs, canals, wasteways, laterals, ditches, flumes, telephone and telegraph lines, electric transmission lines, roadways, and appurtenant irrigation structures, and also the right to remove construction materials therefrom, without obligation to make payment therefor by the United States or its successors with the agreement on the part of the locator that if the construction of any or all of such above described works across, over or upon said lands or the removal of construction materials therefrom, should be made more expensive by reason of the existence of any improvements or workings of the locator thereon, such additional expense is to be estimated by the Secretary of the Interior, whose estimate is to be final and binding upon the parties hereto, and that within thirty days after demand is made upon the locator for payment of any such sum, the locator will make payment thereof to the United States or its successors constructing said works or removing construction materials therefrom. The locator further agrees that the United States, its officers, agents and employees and its successors and assigns shall not be held liable for any damage to the improvements or workings of the locator resulting from the construction, operation and maintenance of any of the facilities hereinabove mentioned or the removal of construction materials from said land.

3. Inquiries concerning these lands shall be addressed to the Manager, Sacra-

mento Land Office, 10th Floor, California Fruit Building, 4th and J Streets, Sacramento, California.

R. G. SPORLEDER,
Officer in Charge, Northern Field Group, Sacramento, California.

[F. R. Doc. 58-760; Filed, Jan. 31, 1958; 8:46 a. m.]

Geological Survey

RIO GRANDE, FRYINGPAN CREEK, AND TAYLOR RIVER, COLORADO

POWER SITE CLASSIFICATION NO. 441

Pursuant to authority vested in me by the act of March 3, 1879 (20 Stat. 394; 43 U. S. C. 31) and by Departmental Order No. 2333 of June 10, 1947 (43 CFR 4.623; 12 F. R. 4025), the following described lands are hereby classified as power sites insofar as title thereto remains in the United States and subject to valid existing rights; and this classification shall have full force and effect under the provisions of section 24 of the act of June 10, 1920 as amended by section 211 of the act of August 26, 1935 (16 U. S. C. 818):

RIO GRANDE, COLORADO (WAGON WHEEL GAP RESERVOIR SITE)

NEW MEXICO PRINCIPAL MERIDIAN

T. 41 N., R. 1 E.,	*Acres*
Sec. 23, S½SE¼	80.00
Sec. 24, SW¼SW¼	40.00
Sec. 25, NW¼NW¼	40.00
Sec. 26, E½NE¼	80.00
	240.00

RIO GRANDE, COLORADO (VEGA SYLVESTER RESERVOIR SITE)

NEW MEXICO PRINCIPAL MERIDIAN

T. 40 N., R. 1 W.,	
Sec. 7, lot 4	40.85
SE¼SW¼	40.00
Sec. 18, lot 1	40.15
NE¼NW¼	40.00
Sec. 19, NE¼NE¼	40.00
NE¼SW¼NE¼	10.00
N½NW¼SW¼NE¼	5.00
N½SE¼NW¼	20.00
SW¼SE¼NW¼	10.00
W½SE¼SE¼NW¼	5.00
T. 40 N., R. 2 W.,	
Sec. 4, E½NW¼SE¼	20.00
Sec. 5, SE¼SW¼	40.00
SW¼SE¼	40.00
Sec. 9, SW¼NW¼	40.00
NE¼SW¼	40.00
S½SE¼	80.00
Sec. 10, lot 3	38.95
lot 4	39.04
lot 5	37.76
lot 7	36.25
Sec. 11, lot 13	33.40
lot 14	33.37
Sec. 13, lot 1	37.95
lot 2	37.69
lot 5	36.58
lot 6	37.37
lot 7	38.13
Sec. 14, lot 1	37.62
SW¼NW¼SW¼	10.00
Sec. 15, SW¼NE¼	40.00
NW¼NW¼	40.00
Sec. 23, S½NW¼SE¼NE¼	5.00
S½SE¼NE¼	20.00
NE¼SE¼	40.00
Sec. 25, W½NW¼	80.00
	1,190.11

FRYINGPAN CREEK, COLORADO TRIBUTARY OF ROARING FORK OF THE COLORADO RIVER (RUEDI RESERVOIR SITE)

SIXTH PRINCIPAL MERIDIAN

T. 8 S., R. 84 W.,	
Sec. 7, NE¼SW¼	40.00
Sec. 9, SE¼SE¼	40.00
Sec. 11, SE¼SW¼	40.00
Sec. 16, S½N½SW¼NW¼	10.00
S½SW¼NW¼	20.00
SW¼SE¼NW¼	10.00
N½SE¼	80.00
Sec. 17, S½NE¼	80.00
Sec. 18, SE¼NW¼	40.00
	360.00

TAYLOR RIVER, COLORADO, TRIBUTARY OF GUNNISON RIVER (ALMONT RESERVOIR SITE)

SIXTH PRINCIPAL MERIDIAN

T. 15 S., R. 84 W.,	*Acres*
Sec. 21, E½NE¼	80.00
E½SW¼	80.00
NE¼SE¼	40.00
Sec. 22, NW¼NW¼	40.00
NE¼SW¼	40.00
NW¼SE¼	40.00
Sec. 26, NW¼NW¼	40.00
Sec. 27, SW¼NE¼	40.00
SE¼	160.00
Sec. 29, W½NE¼	80.00
NW¼	160.00
NW¼SW¼	40.00
Sec. 30, N½NE¼	80.00
SE¼NE¼	40.00
Sec. 31, SW¼SE¼	40.00
Sec. 32, N½SE¼	80.00
Sec. 33, NW¼SW¼	40.00
Sec. 34, NE¼	160.00
N½NW¼	80.00
NE¼SE¼	40.00
Sec. 35, SW¼NW¼	40.00
NW¼SW¼	40.00
	1,480.00

The total area aggregates 3,270.11 acres.

Dated: January 23, 1958.

THOMAS B. NOLAN,
Director.

[F. R. Doc. 58-759; Filed, Jan. 31, 1958; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

OKLAHOMA

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it has been determined that in the following counties in the State of Oklahoma a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

OKLAHOMA

Atoka.	Garfield.
Blaine.	Garvin.
Bryan.	Grady.
Caddo.	Haskell.
Canadian.	Hughes.
Carter.	Jackson.
Choctaw.	Johnston.
Cleveland.	Kingfisher.
Coal.	Kiowa.
Comanche.	Latimer.
Creek.	Le Flore.

OKLAHOMA—Continued

Logan.	Payne.
Lincoln.	Pittsburg.
McClain.	Pontotoc.
McCurtin.	Pottawatomie.
McIntosh.	Pushmataha.
Marshall.	Rogers.
Mayes.	Seminole.
Murray.	Sequoyah.
Muskogee.	Stephens.
Noble.	Tillman.
Okfuskee.	Tulsa.
Oklahoma.	Wagoner.
Okmulgee.	Washita.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after December 31, 1958, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 28th day of January 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-778; Filed, Jan. 31, 1958; 8:50 a. m.]

MAINE

DISASTER ASSISTANCE; DESIGNATION OF AREA FOR SPECIAL EMERGENCY LOANS

For the purpose of making emergency loans pursuant to Public Law 727, 83d Congress, as amended, it is determined that in the following areas in the State of Maine there is a need for agricultural credit which cannot be met for a temporary period from commercial banks, cooperative lending agencies, the Farmers Home Administration under its regular programs, or under Public Law 38, 81st Congress (12 U. S. C. 1148a-2), as amended, or other responsible sources.

MAINE

AROOSTOOK COUNTY

Northern area of Penobscot County lying directly west of the Aroostook County line.

Pursuant to the authority set forth above, such loans may be made to new applicants in said areas through June 30, 1958. Thereafter, such loans may be made in said areas only to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 28th day of January 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-779; Filed, Jan. 31, 1958; 8:50 a. m.]

Agricultural Marketing Service

[P. & S. Docket No. 1558]

MISSISSIPPI VALLEY STOCKYARDS, INC.

NOTICE OF PETITION FOR MODIFICATION OF RATE ORDER

In re Mississippi Valley Stockyards, Inc. (formerly C. P. Poland, d/b/a Mississippi Valley Stockyards), respondent.

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on February 13, 1956 (15 A. D. 95), continuing in effect to and including March 6, 1958, an order issued on February 28, 1955 (14 A. D. 120), which authorized the respondent to assess the current schedule of rates and charges. An order was issued on December 20, 1957, substituting the "Mississippi Valley Stockyards, Inc.," St. Louis, Missouri, as respondent in this proceeding in the place and stead of "C. P. Poland, doing business as Mississippi Valley Stockyards" and providing that the new respondent shall be subject to all orders issued in this proceeding.

By a petition filed on January 14, 1958, the respondent requested authority to modify its current schedule of rates and charges as indicated below:

	Present rate per head	*Proposed rate per head*
Yardage on all classes of original receipts and re-sales in commission division:		
Bulls (800 pounds or over)	$1.50	$1.60
Cattle	.90	.95
Calves	.50	.51
Hogs	.30	.32
Sheep and Goats	.20	.20
Horses and Mules	1.00	1.00
Livestock consigned direct to packers:		
Bulls (800 pounds or over)	.62	.80
Cattle	.40	.48
Calves	.24	.26
Hogs	.15	.16
Sheep and Goats	.09	.10
Livestock resold for local delivery other than resold in commission division:		
Bulls (800 pounds or over)	.25	.40
Cattle	.20	.25
Calves	.14	.16
Hogs	.08	.09
Sheep and Goats	.06	.06
Livestock resold for shipment other than that resold in the commission division (including livestock consigned to National Stockyards, National City, Illinois) if resold or reweighed on our premises:		
Bulls (800 pounds or over)	.12	.25
Cattle	.10	.10
Calves	.07	.07
Hogs	.05	.07
Sheep and Goats	.05	.05

The modifications, if authorized, will produce additional revenue for the respondent and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days after the publication of this notice.

Done at Washington, D. C., this 29th day of January 1958.

[SEAL] DAVID M. PETTUS,
Director,
Livestock Division,
Agricultural Marketing Service.

[F. R. Doc. 58-797; Filed, Jan. 31, 1958; 8:54 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[File No. 23-506]

MACDONALD HALL & CO. LTD.

ORDER DENYING EXPORT PRIVILEGES FOR AN INDEFINITE PERIOD

In the matter of MacDonald Hall & Co. Ltd., 14 and 16 Ludgate Hill, St. Paul's, London, E. C. 4, England, respondent; File No. 23-506.

The respondent, MacDonald Hall & Co. Ltd., is the subject of an investigation concerning nondelivery and consequent unauthorized diversion of two lots of Diesel engine spare parts exported from the United States under validated licenses authorizing such exportations to Saudi Arabia, and the Agent-in-Charge, Investigation Staff, Bureau of Foreign Commerce, has applied for an order denying to it all export privileges for an indefinite period by reason of its failure and refusal to respond to written interrogatories duly served on it. The application was made pursuant to § 382.15 of the Export Regulations (15 CFR, Chapter III, Subchapter B) and, in accordance with the practice thereunder, was referred to the Compliance Commissioner of the Bureau of Foreign Commerce who, after considering evidence in support thereof, has recommended that it be granted.

Now, upon receipt of the Compliance Commissioner's recommendation, after reviewing and considering the evidence submitted in support of the application, being of the opinion that there is reasonable ground to believe that the respondent participated in said unauthorized diversion with the intention to circumvent the Export Control Act of 1949, as amended, and regulations promulgated thereunder, and finding further that interrogatories were duly served on it and that, without reasonable cause and without adequate explanation, it has failed and refused to answer or furnish written information and documents in response to those interrogatories; and, having concluded (a) that this order is reasonable and necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended, and (b) that it is advisable that persons in the United States and in other parts of the world be informed by publication of this order of the provisions hereafter set forth so that the respondent may be prevented from receiving and transshipping commodities exported from the United States so long as it is effective; *It is hereby ordered:*

(1) All outstanding validated export licenses in which the respondent appears or participates as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation;

(2) The respondent, its successors or assigns, partners, directors, representatives, agents, and employees, are hereby denied all privileges of participating directly or indirectly in any manner, form, or capacity in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing, participation in an exportation shall include and prohibit said respondent's and such other persons' and firms' participation (a) as parties or as representatives of a party to any validated export license application; (b) in the obtaining or using of any validated or general export license or other export control document; (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported from the United States; and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States;

(3) This denial of export privileges shall apply not only to the respondent, but also to any person, firm, corporation, or business organization with which it now or hereafter may be related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States or services connected therewith;

(4) This order shall remain in effect until the respondent satisfactorily answers or furnishes written information or documents in response to the interrogatories heretofore served on it or gives adequate reason for its failure or refusal to respond, except insofar as it may be amended or modified hereafter in accordance with the Export Regulations;

(5) No person, firm, corporation, or other business organization, within the United States or elsewhere (whether or not engaged in trade relating to exports from the United States) shall, on behalf of or in any association with the respondent or any related party, without prior disclosure of the facts to and specific authorization from the Bureau of Foreign Commerce, directly or indirectly in any manner, form, or capacity (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation of commodities from the United States, or (b) order, receive, buy, sell, deliver, use, dispose of, finance, transport, forward, or otherwise service or participate in an exportation from the United States, or in a reexportation of any commodity exported from the United States, or do any of the foregoing acts with respect to any exportation in which respondent or any related party may have any interest or obtain any benefit of any kind or nature, direct or indirect.

(6) In accordance with the provisions of § 382.11 (c) of the Export Regulations, the respondent may move, at any time prior to the cancellation or termination hereof, to vacate or modify this indefinite denial order by filing an appropriate application therefor, supported by evidence, with the Compliance Commissioner, and it may request oral hearing thereon, which, if requested, will be held before the Compliance Commis-

sioner at Washington, D. C. at the earliest convenient date.

Dated: January 29, 1958.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 58-758; Filed, Jan. 31, 1958; 8:46 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-91]

AEROJET-GENERAL NUCLEONICS

NOTICE OF PROPOSED ISSUANCE OF CONSTRUCTION PERMIT AND FACILITY LICENSES

Please take notice that the Atomic Energy Commission proposes to issue a construction permit to Aerojet-General Nucleonics substantially in the form set forth in Annex "A" below, unless on or before fifteen (15) days after the filing of this notice with the Federal Register Division a request for a formal hearing is filed with the Commission as provided by the Commission's Rules of Practice (10 CFR Part 2). There is annexed as Annex "B" a memorandum submitted by the Division of Licensing and Regulation which summarizes the principal factors considered in reviewing the application for license. For further details see the application for license at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C.

Notice is also hereby given that if the Commission issues the construction permit the Commission may without further prior public notice convert the construction permit to Class 104 licenses authorizing operation of the reactors by Aerojet-General Nucleonics and the transfer of possession or title or both to the reactors to any person licensed to acquire the same, if it is found that the reactors have been constructed in accordance with the specifications contained in the application, and in conformity with the provisions of the act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission that the granting of such licenses would not be in accordance with the provisions of the act.

Dated at Germantown, Md., this 23d day of January 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Licensing and Regulation.

ANNEX "A"

PROPOSED CONSTRUCTION PERMIT

Aerojet-General Nucleonics, San Ramon, California (hereinafter "AGN") on December 3, 1957, filed its application for Class 104 licenses, defined in § 50.21 of Part 50, "Licensing of Production and Utilization Facilities", Title 10, Chapter 1, CFR, to construct and operate five 5-watt nuclear reactors of a type designated by AGN as Model AGN-201M and referred to as Serial Nos. 121 through 125. The five reactors will be described herein as "the reactors".

The Atomic Energy Commission (hereinafter "the Commission") finds that:

A. The reactors will be utilization facilities as defined in the Commission's regulations contained in Title 10, Chapter 1, CFR, Part 50, "Licensing of Production and Utilization Facilities."

B. The reactors will be useful in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954, as amended (hereinafter "the act").

C. AGN is financially qualified to construct and operate the reactors in accordance with the regulations contained in Title 10, Chapter 1, CFR.

D. AGN is technically qualified to design and construct the reactors.

E. AGN has submitted sufficient information to provide reasonable assurance that the reactors can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

F. The issuance of a construction permit to AGN will not be inimical to the common defense and security or to the health and safety of the public.

Pursuant to the act and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities," the Commission hereby issues a construction permit to AGN to construct the reactors as utilization facilities. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

A. The earliest and latest completion dates on each reactor shall be as set forth below. The term "completion date" as used herein means the date on which construction of the reactor is completed except for the introduction of the fuel material.

AGN Serial No.	Earliest completion date	Latest completion date
121	Feb. 1, 1958	Feb. 1, 1959
122	Mar. 1, 1958	Mar. 1, 1959
123	Apr. 1, 1958	Apr. 1, 1959
124	May 1, 1958	May 1, 1959
125	June 1, 1958	June 1, 1959

B. The site proposed for the location of the reactors is the location in San Ramon, Contra Costa County, California, specified in the application.

C. The reactors are self-contained research reactors using uranium enriched in the isotope uranium-235 as fuel and designed to operate at a power level of 5 watts (thermal).

D. At such times as this construction permit is converted into licenses to operate the reactors each such license will incorporate—as two of its conditions—requirements that:

1. If any person is permitted over or near the top of the reactor, monitoring shall be accomplished to insure that radiation doses will be within the limits set forth in 10 CFR Part 20; and

2. Prior to the opening of the core tank provision shall be made for the collection and disposal of any gaseous and particulate material as may be present.

Upon completion (as provided in Paragraph "A" above) of the construction of each reactor in accordance with the terms and conditions of this permit and upon finding that each reactor authorized has been constructed in conformity with the application and in conformity with the provisions of the act and of the rules and regulations of the Commission, the Commission will issue a Class 104 license to AGN pursuant to section 104c of the act, which license shall expire 20 years after the date of this construction permit.

Date of issuance:

For the Atomic Energy Commission.

———— ————,
Director,
Division of Licensing and Regulation.

ANNEX "B"

MEMORANDUM

Aerojet-General Nucleonics of San Ramon, California, proposes to construct 5 nuclear reactors of the type designated by AGN as Model AGN-201M. The individual reactors are referred to by AGN as Serial numbers 121 through 125. Each will be a self-contained reactor using uranium enriched in the isotope uranium-235 as fuel and designed to operate at a maximum power level of 5 watts (thermal).

A complete description and hazards analysis of the AGN-201 100-milliwatt reactor are contained in license applications and amendments submitted by AGN in Dockets F-15, F-32, F-44 and 50-53. A summary of the Model AGN-201 reactor description and discussion of the safety analysis by the Commission's Staff are set forth in a memorandum accompanying the notice of proposed issuance of construction permit in Docket F-32 published in the FEDERAL REGISTER on February 6, 1957, 22 F. R. 742.

A complete description of the modification of the 100 milliwatt reactor necessary to permit 5-watt operation is contained in an amendment to Docket No. 50-32 filed on February 11, 1957. This amendment also contains a safety analysis of the 5-watt operation. A description of the modification and detailed discussion of the safety analysis of the 5-watt reactor by the Commission's Staff are set forth in a memorandum accompanying a notice of the proposed issuance of construction permit and licenses in Docket No. 50-32 published in the FEDERAL REGISTER on June 19, 1957, 22 F. R. 4327. As discussed in that memorandum any license issued authorizing the operation of the reactor at a 5-watt level will require (1) the monitoring of the area above the reactor or near the top of the reactor if an individual is to enter this area or to be present in it during operation and (2) the provision of a suitable means of collecting and disposing of gaseous and particulate radioactive material which may be present when the core tank is opened.

Subsequent to the licensing of the individual reactors, AGN proposes to transfer the reactors to purchasers and accordingly, has requested authorization to transfer the reactors without further license application on its part. A description of the method of transfer proposed is contained in AGN's application for license in Docket 50-53. This method does not differ materially from that employed by AGN in transferring the reactor subject to License R-7 from San Ramon, California, to Philadelphia, Pennsylvania. That transfer is discussed in the memorandum accompanying the notice of proposed issuance of an amendment to the license published in the FEDERAL REGISTER on February 8, 1957, 22 F. R. 798.

Technical qualifications. AGN's technical qualifications were discussed in the aforementioned memorandum published in 22 F. R. 742. Since then AGN has expanded its staff in both members and educational background and has successfully completed the fabrication and operation of two 5-watt Model AGN-201M reactors and nine 100-milliwatt AGN-201 reactors.

Financial qualifications. AGN is a subsidiary of Aerojet-General Corporation (AGC) which in turn is a subsidiary of The General Tire & Rubber Company. AGC has assumed financial responsibility for the production of the five AGN-201M reactors, serial numbers 121 through 125. On the basis of the evidence in these proceedings, including the assumption of financial responsibility by AGC, we conclude that AGN is financially qualified to carry out the proposed activities in accordance with the requirements of the Commission's regulation.

Financial protection. Aerojet-General Nucleonics has filed with the Commission, as proof of financial protection, pursuant to 10 CFR Part 140, copies of binder number 27

issued by Nuclear Energy Liability Insurance Association covering Aerojet-General Nucleonics' nuclear facilities located at San Ramon, California, including the reactors described in this application.

Conclusions. Based on the above considerations, it is concluded that:

a. There is reasonable assurance that the reactors proposed can be constructed and operated at the proposed site without undue risk to the health and safety of the public.

b. The applicant is technically and financially qualified to engage in the proposed activities.

Dated: January 23, 1958.

For the Division of Licensing and Regulation.

H. L. PRICE,
Director.

[F. R. Doc. 58-754; Filed, Jan. 31, 1958; 8:45 a. m.]

[Docket No. 50-88]

AEROJET-GENERAL NUCLEONICS

NOTICE OF ISSUANCE OF CONSTRUCTION PERMIT

Please take notice that no request for a formal hearing having been filed following the filing of notice of the proposed action with the Federal Register Division on January 8, 1958, the Atomic Energy Commission has issued Construction Permit CPRR-22 authorizing Aerojet-General Nucleonics to construct a small swimming pool-type research reactor at the location in San Ramon, California described in the application in Docket 50-88. Notice of the proposed action was published in the FEDERAL REGISTER on January 9, 1958, 23 F. R. 168.

Dated at Germantown, Md., this 24th day of January 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Licensing and Regulation.

[F. R. Doc. 58-755; Filed, Jan. 31, 1958; 8:45 a. m.]

[Docket No. 50-53]

AEROJET-GENERAL NUCLEONICS

NOTICE OF ISSUANCE OF LICENSE

Please take notice that no request for a formal hearing having been filed following the publication of notice of the proposed action in the FEDERAL REGISTER on June 19, 1957, 22 F. R. 4329, the Atomic Energy Commission has issued License R-34 authorizing Aerojet-General Nucleonics to possess, operate and transfer to any authorized person a 100-milliwatt nuclear reactor designated by AGN as Model AGN-201, Serial Number 111.

Dated at Germantown, Md., this 22d day of January 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Licensing and Regulation.

[F. R. Doc. 58-756; Filed, Jan. 31, 1958; 8:45 a. m.]

[Docket No. 50-13]

BABCOCK & WILCOX CO.

NOTICE OF ISSUANCE OF FACILITY LICENSE

Please take notice that no request for a formal hearing having been filed following the filing of notice of the proposed action with the Federal Register Division, the Atomic Energy Commission on January 22, 1958, issued License No. CX-10 authorizing The Babcock & Wilcox Company to operate a second critical experiment facility located contiguous to its presently licensed critical experiment facility situated near Lynchburg, Virginia. The notice of proposed issuance of this license was published in the FEDERAL REGISTER on January 7, 1958, 23 F. R. 119.

Dated at Germantown, Md., this 22d day of January 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Licensing and Regulation.

[F. R. Doc. 58-757; Filed, Jan. 31, 1958; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-14313]

CALIFORNIA CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JANUARY 28, 1958.

The California Company (California) on December 30, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filings:

Description: (1) Supplemental Agreement,[1] dated November 1, 1957. (2) Notice of change, dated December 27, 1957.

Purchaser: United Gas Pipe Line Company.

Rate schedule designation: (1) Supplement No. 1 to California's FPC Gas Rate Schedule No. 3. (2) Supplement No. 2 to California's FPC Gas Rate Schedule No. 3.

Effective date: February 1, 1958. (Effective date is the effective date proposed by California.)

In support of the proposed renegotiated rate increase, California claims that the present 10.0 cents per Mcf price represents a distress sale; that prior to the sale the primary term of the leases had expired but that it had been successful in negotiating an advance royalty agreement which in turn was about to expire, that it was having difficulty in negotiating an extension, and that its entire investment in the field was in jeopardy. California further states that the new agreement was negotiated at arm's-length between non-affiliated companies, that it had renegotiated the price of 20 cents per Mcf on a large volume of intrastate gas sold United Gas Pipe Line Company and that part of the reconsideration for this renegotiation was the renegotiation of the interstate price.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement Nos. 1 and 2 to California's FPC Gas Rate Schedule No. 3 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement Nos. 1 and 2 to California's FPC Gas Rate Schedule No. 3.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until July 1, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-761; Filed, Jan. 31, 1958; 8:46 a. m.]

[1] Renegotiated contract increasing rate from 9.0 cents to 18.5 cents per Mcf.

[Docket No. G-14314]

GREENBRIER OIL CO., ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JANUARY 28, 1958.

Greenbrier Oil Company (Operator) et al., (Greenbrier), on January 2, 1958, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated December 30, 1957.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 1 to Greenbrier's FPC Gas Rate Schedule No. 5.

Effective date: February 2, 1958. (Effective date is the first day after expiration of the required thirty days' notice.)

In support of the proposed periodic rate increase, Greenbrier states the contract resulted from arm's-length negotiations; that the pricing schedule is an integral part of the contract, and the periodic increase provision offsets the disadvantage of committing gas reserves under a "life of the lease" contract, and that costs have risen and production has declined.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 1 to Greenbrier's FPC Gas Rate Schedule No. 5 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to Greenbrier's FPC Gas Rate Schedule No. 5.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until July 2, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-762; Filed, Jan. 31, 1958; 8:46 a. m.]

[Docket No. G-14315]

R. LACY, INC., ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JANUARY 28, 1958.

R. Lacy, Incorporated, et al., (Lacy), on December 30, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated December 26, 1957.

Purchaser: Mississippi River Fuel Corporation.

Rate schedule designation: Supplement No. 4 to Lacy's FPC Gas Rate Schedule No. 1.

Effective date: January 30, 1958. (Effective date is the effective date proposed by Lacy.)

In support of the proposed periodic rate increase, Lacy states, in effect, that the increase is consistent with the needs where the buyer requires a long term contract; that the producer's cost of production has increased because of age and wear of facilities, and all of the operators in the field (Woodlawn) have previously received the price increase requested by Lacy.[1] Lacy further states that its proposed price is just and reasonable and in line with all other prices paid in the field for similar gas and denial of the request for the increase would discriminate against Lacy and its royalty owners.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 4 to Lacy's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 4 to Lacy's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until June 30, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

[1] Other operator's increased rates in the field were suspended, and are now in effect subject to refund.

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-763; Filed, Jan. 31, 1958; 8:47 a. m.]

[Docket No. G-14316]

W. H. BRYANT ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JANUARY 28, 1958.

W. H. Bryant et al. (Bryant), on December 31, 1957, tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 5 to Bryant's FPC Gas Rate Schedule No. 2.

Effective date: January 31, 1958. (Effective date is the first day after expiration of the required thirty days' notice.)

In support of the proposed favored-nations rate increase, Bryant submits a copy of a letter from Texas Eastern Transmission Corporation notifying Bryant that it has entered into a contract for the purchase of gas within the favored-nation area described in Bryant's contract providing for a price of 14.4 cents per Mcf and offering the same terms to Bryant. Bryant states that the contract was negotiated at arm's-length and the pricing provisions represent a fair and reasonable consideration for the long contract term.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 5 to Bryant's FPC Gas Rate Schedule No. 2 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 5 to Bryant's FPC Gas Rate Schedule No. 2.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until June 30, 1958, and until such further time as it is made effective

in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-764, Filed, Jan. 31, 1958; 8:47 a.m.]

[Docket No. G-14317]

RUSSELL MAGUIRE ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

JANUARY 28, 1958.

Russell Maguire (Operator) et al., (Maguire) on January 2, 1958, tendered for filing proposed changes in his presently effective rate schedules [1] for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of changes, dated December 30, 1957.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 4 to Maguire's FPC Gas Rate Schedule No. 2. Supplement No. 2 to Maguire's FPC Gas Rate Schedule No. 4.

Effective date: February 2, 1958. (Effective date is the first day after expiration of the required thirty days' notice.)

In support of the proposed favored-nation rate increases, Maguire states that his contracts resulted from arm's-length bargaining and the increases are justified because of the increased costs of gas discovery and development and increased production costs due to corrosion and water elimination.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 4 to Maguire's FPC Gas Rate Schedule No. 2, and Supplement No. 2 to Maguire's FPC Gas Rate Schedule No. 4, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 4 to Maguire's FPC Gas Rate Schedule No. 2, and Supplement No. 2 to Maguire's FPC Gas Rate Schedule No. 4.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until July 2, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-765; Filed, Jan. 31, 1958; 8:47 a.m.]

[Docket No. G-14318]

PAN AMERICAN PETROLEUM CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

JANUARY 28, 1958.

Pan American Petroleum Corporation (Pan American) on January 2, 1958 tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of changes, dated December 31, 1957.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 8 to Pan American's FPC Gas Rate Schedule No. 20. Supplement No. 7 to Pan American's FPC Gas Rate Schedule No. 21. Supplement No. 9 to Pan American's FPC Gas Rate Schedule No. 23. Supplement No. 3 to Pan American's FPC Gas Rate Schedule No. 101. Supplement No. 11 to Pan American's FPC Gas Rate Schedule No. 110. Supplement No. 9 to Pan American's FPC Gas Rate Schedule No. 129.

Effective date: February 2, 1958. (Effective date is the first day after expiration of the required thirty days' notice.)

In support of the proposed favored-nation rate increases, Pan American refers to the pricing provisions of the rate schedules providing for favored-nation rate increases, and states that the proposed prices are matters of contractual obligation resulting from bona fide arm's-length negotiations in a competitive market. Pan American further states that it would be unfair and confiscatory for the Commission not to approve the proposed prices as being fair, just and reasonable, and that failure to approve the prices would have the effect of depriving Pan American of its property without due process of law.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements to Pan American's rate schedules.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until July 2, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided in §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-766; Filed, Jan. 31, 1958; 8:47 a.m.]

[Docket No. G-14320]

EDWIN W. PAULEY

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATES

JANUARY 28, 1958.

Edwin W. Pauley (Pauley) on January 6, 1958, tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated January 3, 1958.

Purchaser: Texas Eastern Transmission Corporation.

[1] Supplement No. 3 to McGuire's FPC Gas Rate Schedule No. 2 previously suspended and is in effect subject to refund in Docket No. G-11652.

Rate schedule designation: Supplement No. 2 to Pauley's FPC Gas Rate Schedule No. 13. Effective date: February 6, 1958. (Effective date is the effective date proposed by Pauley.)

In support of the proposed periodic rate increase, Pauley states that the pricing provisions collectively represent the negotiated contract price and periodic increases are economically desirable to all parties.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 2 to Pauley's FPC Gas Rate Schedule No. 13 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2 to Pauley's FPC Gas Rate Schedule No. 13.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until July 6, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-767; Filed, Jan. 31, 1958; 8:47 a. m.]

[Project No. 2238]

SHERIDAN COUNTY WATER DISTRICT

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

JANUARY 28, 1958.

Public notice is hereby given that Sheridan County Water District, of Sheridan, California, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for a preliminary permit for proposed waterpower Project No. 2238, to be known as the Waldo Project and located on Yuba River, its tributary, Deer Creek, and Dry Creek, a tributary of Bear River, in Yuba and Nevada Counties, California, in the region of Yuba City, Marysville, Sheridan, Wheatland, and Smartville, California, affecting lands within Beale Air Force Base and other lands of the United States, and also affecting Englebright Reservoir impounded by Narrows Dam, owned by California Debris Commission, an agency of the U. S. Corps of Engineers. The proposed project would consist of the following: (1) Waldo Reservoir, with gross capacity of 300,000 acre-feet at maximum elevation of 430 feet, formed by a 230-foot-high dam located in the vicinity of Waldo Junction on Dry Creek; minor dikes and a spillway; and Waldo Powerhouse approximately 0.8 mile below the dam, with installed capacity of 25,000 horsepower; (2) Parks Bar Powerhouse in the vicinity of Parks Bar on the Yuba River, with installed capacity of 64,000 horsepower; approximately 11 miles of water conduit consisting of tunnel and flume between the existing Englebright Reservoir of the California Debris Commission on the Yuba River and Waldo Reservoir; a diversion structure on Deer Creek to introduce Deer Creek water into the conduit; and a penstock and intake structure on the conduit above Parks Bar Powerhouse which would permit diversion of conduit water to the powerhouse; and (3) a ditch and flume approximately 2.2 miles long from spillway of Waldo Reservoir to the existing Camp Far West Reservoir on Bear River.

No construction is authorized under a preliminary permit. A permit, if issued, merely gives the permittee, during the period of the permit, the right to priority of application for license while the permittee undertakes the necessary studies and examinations, including the preparation of maps and plans, in order to determine the economic feasibility of the proposed project, the means of securing the necessary financial arrangements for construction, the market for the project power, and all other information necessary for inclusion in an application for license, should one be filed.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is March 14, 1958. The application is on file with the Commission for public inspection.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-768; Filed, Jan. 31, 1958; 8:48 a. m.]

[Docket No. G-13789]

UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JANUARY 28, 1958.

Take notice that on November 22, 1957, United Gas Pipe Line Company (Applicant) filed in Docket No. G-13789 an application, pursuant to section 7 (c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing Applicant to provide temporary natural gas service to Natural Gas Distributing Corporation (Distributing) for resale in several communities in Shelby County, Texas, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant proposes to sell and deliver to Distributing a maximum of 2,000 Mcf of natural gas per day for a period of 120 days, through existing facilities at the point where Distributing's 4-inch line crosses Applicant's 22-inch Waskom-Goodrich line about two miles south of Timpson in Shelby County, Texas.

This service is proposed to be rendered during the period of relocation of Distributing's 4-inch line between Tenaha and the Joaquin Field, Shelby County, Texas, necessitated by the widening of Texas State Highway No. 84.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 11, 1958, at 9:30 a.m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 21, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-769; Filed, Jan. 31, 1958; 8:48 a. m.]

[Docket Nos. G-12344, G-13835]

TEXAS GAS TRANSMISSION CORP.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JANUARY 28, 1958.

Take notice that on December 2, 1957, Texas Gas Transmission Corporation (Applicant), filed, in Docket No. G-13835, an application, pursuant to section 7 (c) of the Natural Gas Act, for a certificate of public convenience and necessity au-

thorizing the sale and delivery of up to 10,000 Mcf of natural gas per day for a temporary period to June 30, 1958, to Mississippi River Fuel Corporation, from the East Lake Palourde Field, Assumption Parish, Louisiana, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

On the same day, December 2, 1957, Applicant filed an application for amendment of the certificate issued on August 2, 1957, in Docket No. G–12344, to permit an increase in the volumes of gas transported by Applicant for the account of Mississippi River Fuel Corporation by 10,000 Mcf per day, to a maximum of 25,000 Mcf per day.

Mississippi River Fuel Corporation has requested this additional volume of gas from Applicant to supplement its general supply during the 1957–1958 winter. No additional facilities will be required to render the additional service applied for herein.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 11, 1958, at 9:30 a. m. e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 21, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58–770; Filed, Jan. 31, 1958; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–3665]

UNION ELECTRIC CO.

NOTICE OF FILING OF DECLARATION REGARDING ISSUANCE AND SALE OF NEW BONDS

JANUARY 27, 1958.

Notice is hereby given that Union Electric Company ("Union"), a registered holding company and a public utility company, has filed a declaration with this Commission pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("Act") and has designated sections 6 (a) and 7 of the Act and Rule U–50 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to the declaration on file in the offices of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Union proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U–50, $35,000,000 principal amount of its first mortgage bonds ("New Bonds"), __ percent Series, due March 1, 1988. The New Bonds will be issued and secured by a mortgage and deed of trust dated June 15, 1937, as heretofore amended and supplemented and as to be amended and supplemented by a further supplemental indenture to be dated as of March 1, 1958. The interest rate on the New Bonds (which shall be a multiple of ⅛ of 1 percent and the price, exclusive of accrued interest to be paid to Union (which shall not be less than 100 percent and not more than 102.75 percent of the principal amount) will be determined by the competitive bidding.

The declaration states that the net proceeds to be received from the issuance and sale of the New Bonds will be used by the company to provide funds, through reimbursement of its treasury for capital expenditures heretofore made, to retire short-term bank loans, to finance in part the cost of continuing additions and improvements to its utility plant, and for other corporate purposes.

Union has received permission from the Commission (Holding Company Act Release No. 13622 (December 9, 1957)) for a temporary increase in the amount of promissory notes it may issue to evidence short-term bank loans from 5 percent as specified in section 6 (b) of the act to 9 percent, such increase to remain in effect until June 27, 1958, or such earlier date upon which Union shall have completed the sale of the New Bonds, and it is expected that such short-term bank loans will aggregate approximately $23,000,000 by the time the New Bonds are sold. Approximately $38,782,000 of construction expenditures are budgeted for the year 1958, and for the two years 1958 and 1959 are expected to aggregate approximately $78,241,000. It is estimated that the proceeds from the sale of the New Bonds, after repayment of bank loans, together with cash to be derived from operations, will provide in part for construction in 1958. However, the cash requirements for construction and other purposes in 1958 and 1959 will require interim short-term borrowings and approximately $30,000,000 additional equity financing in the latter part of 1958 or in the first quarter of 1959.

The declaration states that the issue and sale of the New Bonds must be authorized by the Public Service Commission of Missouri and the Illinois Commerce Commission and that applications for such authorization are being filed with such commissions. No Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than February 17, 1958, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the declaration, as filed or as it may hereafter be amended, may be permitted to become effective as provided in Rule U–23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U–20 (a) and U–100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58–771; Filed, Jan. 31, 1958; 8:48 a. m.]

[File No. 812–1128]

LEXINGTON TRUST FUND SHARES AND AMERICAN TRUSTEED FUNDS, INC.

NOTICE OF FILING OF APPLICATION FOR ORDER PERMITTING REDUCED PUBLIC OFFERING PRICES ON PURCHASES OF COMPANY SHARES BY TAX-EXEMPT ORGANIZATIONS

JANUARY 27, 1958.

Notice is hereby given that Lexington Trust Fund Shares ("Lexington"), a registered open-end diversified investment company and American Trusteed Funds, Inc., the sponsor corporation for the Fund ("American"), have filed an application and amendment thereto pursuant to section 6 (c) of the Investment Company Act of 1940 ("act") for an order of the Commission exempting from the provisions of section 22 (d) of the act the offering of shares of Lexington to certain tax-exempt organizations at a reduced sales load.

The regular public offering price of the shares of Lexington is equal to their net asset value plus a sales charge, payable to Renyx, Field & Company, Inc. as principal distributor, of approximately the following percentages of the offering prices:

Amount:	*Sales commission (percent)*
Less than $25,000	8½
$25,000 but less than $50,000	6½
$50,000 but less than $100,000	4½
$100,000 or more	2½

Lexington desires to accept subscriptions at a reduced sales load from pension, stock bonus and profit sharing plans qualified as employees' trusts under section 401 of the Internal Revenue Code, at a reduced sales charge upon each additional purchase based on the quantity discount applicable to the

amount then being purchased plus the amount previously acquired and still held by such purchaser.

Section 2 (d) of the act, with certain exceptions not pertinent here, prohibits registered investment companies from selling their redeemable securities to any person, other than a dealer or principal underwriter, at a price less than the current public offering price described in the prospectus. The offering of shares of the company to purchasers qualified under section 401 of the Internal Revenue Code on the basis herein proposed, may involve an offering of its shares below the normal offering price, in contravention of the provisions of section 2 (d) of the act. Accordingly, applicants have filed the instant application and amendment thereto for an order of the Commission exempting the offering of Lexington's shares to the above-mentioned organizations from said provision of the act.

Section 6 (c) of the act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transaction from any provisions of the act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

For a more detailed statement of the matters of fact and law asserted, all interested persons are referred to said application which is on file at the office of the Commission in Washington, D. C.

Notice is further given that any interested person may, not later than February 7, 1958 at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest and the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58-772; Filed, Jan. 31, 1958; 8:48 a. m.]

[File No. 812-1132]

WELLINGTON FUND, INC.

NOTICE OF FILING OF APPLICATION FOR ORDER EXTENDING TIME TO FILL VACANCY ON BOARD OF DIRECTORS

JANUARY 27, 1958.

Notice is hereby given that Wellington Fund, Inc. ("Wellington"), a registered diversified open-end management investment company, has filed an application pursuant to section 10 (e) of the Investment Company Act of 1940 ("act") for an order thereunder extending for 66 days the time within which to fill a vacancy on its board of directors.

Section 10 (b) (2) of the act provides that no registered investment company shall use as a principal underwriter of its securities any director, officer, or employee of such registered company or any person of which any such director, officer, or employee is an affiliated person, unless a majority of the board of directors of such registered company shall be persons who are not such principal underwriters or affiliated persons of any of such principal underwriters. Section 10 (e) of the act provides, in pertinent part, that if by reason of death of any director the requirements of section 10 (b) (2) shall not be met, the operation of the provisions of said section shall be suspended for a period of 30 days if the vacancy may be filled by action of the board of directors of such registered investment company or for such longer period as the Commission may prescribe by order upon application, as not inconsistent with the protection of investors.

The application states that up until January 3, 1958, Wellington's board of directors was comprised of thirteen directors duly elected by its stockholders at its 1957 annual meeting. It further states that on January 3, 1958, Mr. James M. Benn, a member of the board, died.

As a result of Mr. Benn's demise, the membership of the board of directors was reduced to twelve members, of whom six are affiliated with The Wellington Company, the principal underwriter for the applicant. Five of these six directors are officers, and one is a partner in the law firm which serves as general counsel to The Wellington Company. Accordingly, as presently constituted the composition of Wellington's board of directors will not conform to the requirements of section 10 (b) (2) of the act after February 2, 1958. Applicant represents that its by-laws empower the board of directors to fill a vacancy in the board arising by reason of death, disqualifications, or resignation until the next annual meeting by a majority vote of a quorum of the remaining directors. Such meeting of stockholders is scheduled for April 9, 1958.

Applicant further states that because of the pressure of work resulting from the closing of one calendar year and the beginning of the next and because of the inadequate time available to Wellington's remaining directors since January 3, 1958, in which to investigate and consider the qualifications of prospective new directors, the board was unable to fill the vacancy created by Mr. Benn's demise at its meeting held on January 15, 1958.

The applicant states that its board plans to meet on or about February 20, March 10, and April 9, 1958, and, providing a quorum will be present at each such meeting, the board will make every effort to find one or more persons with requisite qualifications to fill the vacancy. If one or more such persons are found before the deadline for filing proxy solicitation material for the April 9th annual meeting of stockholders, the nominee deemed by the board to be best qualified will be selected by the board to fill Mr. Benn's unexpired term and will be proposed to stockholders as one of management's candidates for election to a full one year term at the April 9, 1958, annual meeting of stockholders. If such person cannot be found prior to the proxy deadline, but is found by the board before April 9, 1958, the stockholders will be advised of such selection at the annual meeting and the board will elect the individual to fill the vacancy at its organization meeting immediately following the annual meeting. To permit the above procedure applicant requests that the thirty day suspension period provided by section 10 (e) of the act be extended an additional sixty-six days. The applicant states that the procedure proposed to be followed will permit the board to fully and fairly consider the qualifications of all persons willing and able to act as director and that the requested extension will not be inconsistent with the protection of investors.

Notice is further given that any interested person may, not later than February 10, 1958, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. Any time after said date the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58-773; Filed, Jan. 31, 1958; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

G. VAN DE BOOGAARD

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mr. G. van de Boogaard, Caixa Postal 135, Ponta Grossa, Parana, Brazil; Claim No. 61364; Vesting Order No. 17836; $269.91 in the Treasury of the United States.

Executed at Washington, D. C., on January 27, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-785; Filed, Jan. 31, 1958; 8:51 a. m.]

ANNA TILLES

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Anna Tilles, Vienna XVIII, Austria; Claim No. 44691; Vesting Order No. 2429; an undivided one-half (½) interest in and to property described in Vesting Order No. 2429 (8 F. R. 16536, December 8, 1943), relating to United States Letters Patent No. 2,066,549.

Executed at Washington, D. C., on January 27, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-786; Filed, Jan. 31, 1958; 8:51 a. m.]

ALBERTO EDUARDO OTTEN LAFONTAINE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Alberto Eduardo Otten Lafontaine, Avenida Progresso 139, Tacubaya, Mexico 18, D. F.; Claim No. 61042; Vesting Order No. 17128; $1,404.14 in the Treasury of the United States.

Executed at Washington, D. C., on January 27, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-787; Filed, Jan. 31, 1958; 8:51 a. m.]

LIESELOTTE HELLER AND ANNAMARIE MUENZEL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Lieselotte Heller, Friedrich-Zundelstrasse 34, Stuttgart/Sillenbuch, Germany; Claim No. 66509; Vesting Orders Nos. 12626 and 12627; $13.37 in the Treasury of the United States. All right, title, interest and claim of any kind or character whatsoever of Lieselotte Heller as an heir of Mathilde Heller, also known as Gertrud Heller, in and to the Estate of Robert Kanter, which was vested by Vesting Order No. 12627. Such property was in the process of administration by Byron R. Forster, acting under the judicial supervision of the Surrogate's Court, Bronx County, New York, and is presently in the process of administration by his successor, Marie D. Forster, acting under the judicial supervision of the Surrogate's Court, Bronx County, New York.

Annemarie Muenzel, Friedrich-Zundelstrasse 34, Stuttgart/Sillenbuch, Germany; Claim No. 66510; Vesting Orders Nos. 12626 and 12627; $13.37 in the Treasury of the United States. All right, title, interest and claim of any kind or character whatsoever of Annemarie Muenzel as an heir of Mathilde Heller, also known as Gertrud Heller, in and to the Estate of Robert Kanter, which was vested by Vesting Order No. 12627. Such property was in the process of administration by Byron R. Forster, acting under the judicial supervision of the Surrogate's Court, Bronx County, New York, and is presently in the process of administration by his successor, Marie D. Forster, acting under the judicial supervision of the Surrogate's Court, Bronx County, New York.

Executed at Washington, D. C., on January 27, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-788, Filed, Jan. 31, 1958; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 29, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34447: *Substituted service, motor and rail, B&M, D&H, and Erie Railroads.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 78), for interested rail and motor carriers. Rates on freight loaded in highway truck trailers and transported on railroad flat cars between Hammond, Ind., on the one hand, and Worcester, Mass., on the other, as rail substitution points.

Grounds for relief: Motor truck competition.

Tariff: The Eastern Central Motor Carriers Association, Inc., Agent, tariff I. C. C. No. 17.

FSA No. 34448: *Substituted service, motor and rail, B&M, D&H, and Erie Railroads.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 79), for interested rail and motor carriers. Rates on freight loaded in highway truck trailers and transported on railroad flat cars between Chicago, Ill., and Hammond, Ind., on the one hand, and Holyoke, Mass., on the other, as rail substitution points.

Grounds for relief: Motor-truck competition.

Tariff: The Eastern Central Motor Carriers Association, Inc., Agent, tariff I. C. C. No. 17.

FSA No. 34449: *Substituted service, motor and rail, MKT Lines and Pennsylvania RR.* Filed by the Eastern Central Motor Carriers Association, Inc., Agent (No. 80), for interested rail and motor carriers. Rates on freight loaded in highway motor truck trailers and transported on railroad flat cars between Dallas, Ft. Worth, Houston, San Antonio, Tex., and Oklahoma City, Okla., on the one hand, and Kearny, N. J., and Philadelphia, Pa., on the other, as rail substitution points.

Grounds for relief: Motor truck competition.

Tariff: The Eastern Central Motor Carriers Association, Inc., Agent, tariff I. C. C. No. 17.

FSA No. 34450: *Crude rubber—North Atlantic ports to Miami, Okla.* Filed by F. C. Kratzmeir, Agent (SWFB No. B-7183), for interested rail carriers. Rates on natural crude rubber, carloads from Baltimore, Md., Albany and New York, N. Y., Boston, Mass., Philadelphia, Pa., Newport News, Norfolk, Port Norfolk, Portsmouth, and Richmond, Va., applicable on traffic imported from foreign countries, to Miami, Okla.

Grounds for relief: Maintenance of differential port relationships and rates constructed on modified short-line distance formula.

Tariff: Supplement 269 to Agent Kratzmeir's tariff I. C. C. 4109.

FSA No. 34451: *TOFC service—Commodities, New York, N. Y., to Louisville, Ky.* Filed by The Pennsylvania Railroad Company, for itself (No. TT-7). Rates on candy, confectionery, and other related commodities, as described in the application, loaded in trailers and transported on railroad flat cars from New

York, N. Y., and points grouped therewith as taking same rates to Louisville, Ky., and St. Louis, Mo., and points grouped therewith as taking the same rates.

Grounds for relief: Motor truck competition.

Tariff: Supplement 21 to The Pennsylvania Railroad Company's tariff I. C. C. 3543.

FSA No. 34452: *Returned containers—From points in southern and border points to Hapeville, Ga.* Filed by O. W. South, Jr., Agent (SFA No. A3596), for interested rail carriers. Rates on containers, empty, returned, used, carloads from points in southern territory, also Ohio and Mississippi River crossings and border points described in the application to Hapeville, Ga.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 18 to Agent C. A. Spaninger's tariff I. C. C. 1613.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58-774; Filed, Jan. 31, 1958; 8:49 a. m.]

York, N. Y., and points grouped therewith as taking same rates to Louisville, Ky., and St. Louis, Mo., and points grouped therewith as taking the same rates.

Grounds for relief: Motor truck competition.

Tariff: Supplement 21 to The Pennsylvania Railroad Company's tariff I. C. C. 3543.

FSA No. 34452: *Returned containers—From points in southern and border points to Hapeville, Ga.* Filed by O. W. South, Jr., Agent (SFA No. A3596), for interested rail carriers. Rates on containers, empty, returned, used, carloads from points in southern territory, also Ohio and Mississippi River crossings and border points described in the application to Hapeville, Ga.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 18 to Agent C. A. Spaninger's tariff I. C. C. 1613.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58-774; Filed, Jan. 31, 1958; 8:49 a. m.]